UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.52
1 May 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Monday 17 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (continued)

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-12982 (E)

The meeting was called to order at 10.20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2000/L.7-L.9)

Draft resolution on the question of the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/2000/L.7)

1. Mr. CHOWDHURY (Bangladesh), introducing the draft resolution on behalf of its sponsors, said that the situation in the occupied territories remained unchanged despite the hopes raised by the agreements concluded in the framework of the peace process. Violations of human rights and international law represented major obstacles to peace. Those problems must be resolved if the people of the region were ever to live in peace together. He therefore felt that the draft resolution could be supported by any ordinary citizen of Israel, and he urged the Commission to support it.

2. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representative of Pakistan and the observer for South Africa had become sponsors of the draft resolution.

3. Mr. PELEG (Observer for Israel) said that the draft resolution had been introduced for political purposes and had nothing to do with the human rights issues of concern to the Commission. It was intended to predetermine the outcome of the permanent status negotiations between Israel and the Palestinians, and did no service to that process. All States genuinely interested in human rights in the Middle East should have accepted the approaches made to them suggesting a change in the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967. Some 99 per cent of Palestinians lived under the control of the Palestinian Authority, and the draft resolution therefore referred to a mere 1 per cent of Palestinians living under Israeli control. He urged the members of the Commission to recognize the changes that had taken place in the region since 1999, and to demonstrate their support for the peace process by not supporting the draft resolution.

4. Mr. RAMLAWI (Observer for Palestine) said that, while the observer for Israel had said that the draft resolution was introduced for political purposes, every paragraph of it related in fact to violations of human rights and international law perpetrated by Israel in the Arab territories, which remained occupied by Israel in their entirety. In every paragraph of his report on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2000/25), the Special Rapporteur reaffirmed such human rights violations, and no member of the Commission could be unaware of Israel's conduct in that regard.

5. The peace negotiations covered political, rather than human rights issues, which were the Commission's concern. The Commission could hardly accede to any request to abandon discussion of human rights violations in the occupied Arab territories while such violations continued. All the indications were that the current negotiations were making no progress, largely because of the arrogance of Israel and its intransigence with regard to its continuing occupation of the territories.

6. As for the mandate of the Special Rapporteur, the Commission had reiterated its belief that the mandate must continue until the Israeli occupation ended.

7. The assertion by the observer for Israel that 99 per cent of Palestinians lived under the control of the Palestinian Authority was completely untrue. Israel still occupied all Palestinian territory and had not withdrawn from one inch of land. Land continued to be annexed and the policy of isolating Palestinian communities, making them into Bantustans, continued to be pursued. All the statements in the draft resolution were nothing more than the truth, and he urged the Commission to vote in favour of it, thereby taking steps to alleviate the suffering of the Palestinian people and help the parties to reach a just and lasting peace, which could only come about with the total withdrawal of Israel from the occupied territories.

8. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft resolution had no programme budget implications.

9. Ms. RUBIN (United States of America), speaking in explanation of vote before the voting, said that her delegation could not support any of the draft resolutions under the agenda item, as it believed that they did nothing to forward the Middle East peace process or human rights in the region. Direct negotiations were the only way towards peace, and the Commission should not try to inject itself into the peace process.

10. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that they were unable to support the draft resolution. They were concerned that the draft resolution contained formulations with regard to the occupied territories that were likely to prejudice the outcome of the final status negotiations being held between Israel and the Palestinians. The Union welcomed the positive developments in the Middle East peace process in 1999, and hoped that, in 2000, it would be possible to achieve a just, lasting and comprehensive peace based on international law and on Security Council resolutions 242 (1967), 338 (1973) and 425 (1978).

11. Serious human rights violations continued in the occupied territories, regardless of the progress achieved in the peace process and the undertakings given by both sides in the interim agreement that they would respect human rights and the rule of law. The Union therefore welcomed the September 1999 decision of the Israeli High Court ruling that the use of moderate physical pressure as an interrogation technique was illegal, and called upon the Government of Israel to implement that ruling. The Union was convinced that any measure that ran counter to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Israel was a party, must be banned forever from the practice of the security forces.

12. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

13. The Republic of the Congo, having been drawn by lot by the Chairman, was called upon to vote first.

In favour:	Bangladesh, Bhutan, Botswana, Brazil, Chile, China, Colombia, Congo, Cuba, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.
Against:	United States of America.
Abstaining:	Argentina, Canada, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland.

14. The draft resolution was adopted by 31 votes to 1, with 19 abstentions.

Draft resolution on human rights in the occupied Syrian Golan (E/CN.4/2000/L.8)

15. Mr. AL-HUSSAMI (Observer for the Syrian Arab Republic), introducing the draft resolution on behalf of its sponsors, the list of which should have included the observer for Lebanon, said that the situation in the occupied Syrian Arab Golan was deteriorating as a result of the Israeli occupation. Syria was fully prepared to resume negotiations if Israel repeated the commitments it had made earlier. He hoped that the European Union would be able to support the draft resolution, which emphasized the importance of the peace process. He requested that the draft resolution be put to a vote.

16. Mrs. IZE-CHARRIN (Secretary of the Commission) said she noted that the observer for Lebanon should have been on the original list of sponsors and that the observer for Palestine had also become a sponsor.

17. Mr. PELEG (Observer for Israel) said that the draft resolution, and the next one to be considered also, dealt with subjects currently being discussed in the peace negotiations. His Government hoped to be able to resume direct negotiations with that of the Syrian Arab Republic soon. The issue of settlements would be discussed within the framework of the permanent status negotiations. The draft resolution was an attempt to predetermine the outcome of those negotiations, and he urged the Commission not to support it.

18. Mr. RAMLAWI (Observer for Palestine) said that the observer for Israel had said that the issue of settlements was subject to negotiations. Those settlements represented, however, violations of human rights and of the fourth Geneva Convention, and constituted a war crime; they must be completely dismantled. That observer's statement in no way reflected the reality of the situation.

19. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft resolution had no programme budget implications.

20. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia said that they were unable to support the draft resolution as they considered that the language in the text went further than that of other United Nations resolutions on the Syrian Arab Golan. The Union wished to stress that it had been able to support General Assembly resolution 54/80, and would have preferred changes to have been made to the text of the current draft resolution to bring it more into line with that General Assembly resolution, and place a stronger emphasis on human rights questions.

21. At the request of the representative of the United States of America, the vote was taken by roll-call on the draft resolution.

22. Rwanda, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Chile, China, Colombia, Congo, Cuba, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.

Against: United States of America.

Abstaining: Brazil, Canada, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Peru, Poland, Portugal, Romania, Spain, United Kingdom of Great Britain and Northern Ireland.

23. The draft resolution was adopted by 31 votes to 1, with 19 abstentions.

Draft resolution on Israeli settlements in the Occupied Arab Territories (E/CN.4/2000/L.9)

24. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and its other sponsors, said that Israel had continued to fail to respond to the appeals of the international community on the issue. He expressed particular concern at the continuing Israeli settlement activities, in spite of the Government's moratorium on new construction permits, including the expansion of existing settlements.

25. Settlements were both illegal under international law and damaging for the peace process, since their intention was to prejudge the outcome of the final status negotiations. Israel should refrain from any action likely to create further mistrust and undermine the peace process.

26. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Pakistan and the Sudan and the observers for Australia, Cyprus, Egypt, Jordan, Malta,

New Zealand and Turkey had become sponsors of the draft resolution. The draft resolution had no financial implications.

27. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

28. India, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Canada, Chile, China, Colombia, Congo, Cuba, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zambia.

Against: United States of America.

Abstaining: Romania.

29. The draft resolution was adopted by 50 votes to 1, with 1 abstention.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued) (E/CN.4/2000/L.17, L.19-L.22 and L.24, E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I, draft decisions 2, 3 and 4)

Draft resolution on the question of the realization in all countries of the economic and social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights (E/CN.4/2000/L.17)

30. Mr. MUCH (Germany), introducing the draft resolution on behalf of its sponsors, who had been joined by the representatives of Brazil, Canada, Chile, Colombia, Ecuador, France, Guatemala, Madagascar, Morocco, Norway, Senegal and the United Kingdom and the observers for Austria, Belarus, Belgium, Bosnia and Herzegovina, Denmark, Dominican Republic, Honduras, Iceland, Liechtenstein, Mongolia, Nicaragua and South Africa, said that there were a number of changes to be made to the text, as a result of four weeks of open and productive consultations, building on the resolutions of the past.

31. The last preambular paragraph should be replaced by the following text:

"Taking note with interest of ongoing new approaches to the realization of economic, social and cultural rights, and considering that to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels, additional approaches should be examined,"

32. In paragraphs 2 and 8 (b), the words "rights-based" should be deleted.

33. A new paragraph, 5 bis, should be inserted to read:

"Recalls that international cooperation in solving international problems of an economic, social and cultural character, and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights,"

34. In paragraph 6 (b), the following words should be inserted after the words "High Commissioner for Human Rights to invite": "all States, intergovernmental organizations and non-governmental organizations, which have not yet done so, to submit their comments on the report by the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), as well as to invite".

35. Paragraph 6 (c) should be modified to read:

"To appoint, for a period of three years, a Special Rapporteur whose mandate will focus on adequate housing as a component of the right to an adequate standard of living, as reflected in article 25, paragraph 1, of the Universal Declaration on Human Rights, article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and article 27, paragraph 3, of the Convention on the Rights of the Child, and on the rights to non-discrimination as reflected in article 14 (h) of the Convention on the Elimination of All Forms of Discrimination against Women and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination;"

36. Paragraph 6 (d) should read:

"To request the Special Rapporteur, in the fulfilment of her/his mandate,

(i) to report on the status, throughout the world, of the realization of the rights that are relevant to the mandate, in accordance with the provisions of the relevant instrument, as well as on developments relating to these rights, including on laws, policies and good practices most beneficial to their enjoyment, and on difficulties and obstacles encountered domestically and internationally, taking into account information ", followed by the existing text.

37. In paragraph 6 (d) (ii), the word "appropriate" should be followed by "cooperation among, and", the words "and to develop ... housing rights" being deleted. In

paragraph 6 (d) (iii), the words following "her/his work" should be deleted. In paragraph 6 (d) (iv), the lines from "housing rights" to the end of the paragraph should be replaced by "the rights relevant to the mandate". In paragraph 6 (d) (v), the word "relevant" should be inserted before "advisory services" and "in the field of housing rights" deleted.

38. Paragraph 6 (d) (vi) should read: "To facilitate, where appropriate, the inclusion of issues relating to the mandate within relevant United Nations missions, field presences and national offices,". In paragraph 6 (d) (vii), "her/his" should be replaced by "the". At the end of paragraph 6 (f) the words "and to share her expertise, inter alia through the holding of expert meetings" should be added.

39. There were two new aspects of the draft resolution: in the first place, issues relating to the right to education were contained in a separate chapter, as a first step to the separate draft resolution that the topic richly deserved. Secondly, the establishment of a special rapporteur on the right to adequate housing had been broached. It was hoped that the special rapporteur, whose mandate had been carefully negotiated, would make an important contribution, from the human rights perspective, to fulfilling the aspirations of a billion people to enjoy decent housing.

40. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Congo, Peru, the Philippines and the Russian Federation and the observer for Israel had become sponsors of the draft resolution.

41. Mr. SABHARWAL (India) welcomed the draft resolution as a reaffirmation of support for the indivisibility of economic, social and cultural rights from civil and political rights. A crucial element of the draft resolution was the insistence on international cooperation, which was as important as national action. Any indicators or benchmarks arrived at without an adequate focus on the issue of availability of resources might end as pious wishes.

42. Mrs. IZE-CHARRIN (Secretary of the Commission) said, in connection with the administrative and programme budget implications, that, owing to the sudden illness of the relevant official in New York, the financial implications of the draft resolution - and of three others - had not yet been approved. As soon as a statement was received, probably in the afternoon, it would be circulated to delegations in a photocopied form.

43. The draft resolution, as orally revised, was adopted.

Draft resolution on the right to food (E/CN.4/2000/L.19)

44. Mr. FERNANDEZ PALACIOS (Cuba), introducing the draft resolution, on behalf of its sponsors, who had been joined by the representatives of Canada and Guatemala, said that it was a restatement of the right of all to access to healthy and nutritious food that would enable them to maintain their physical and mental capacities. He hoped that the draft resolution could be adopted without a vote, since it was based on wide consultations and followed the same form as in the previous three years. He had a change to make to paragraph 5, however, which should read:

"Encourages all States to take steps with a view to achieving progressively the full realization of the right to adequate food, including steps to promote the conditions for everyone to be free from hunger and as soon as possible enjoy the right to food."

45 In paragraph 9, the last phrase should be reworded to read "inviting experts from all regions to contribute their experiences". It might be, however, that the existing text was infelicitous in Spanish only.

46 Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of France, Niger and Norway and the observers for Belgium, Bulgaria and Sweden had become sponsors of the draft resolution.

47 Mr. MUCH (Germany) noted, with regard to draft paragraph 9, that "from all regions" in the original text referred to the experiences, not the experts.

48 Mr. MENDONÇA E MOURA (Portugal) said that his delegation wished to become a sponsor of the draft resolution.

49 Mrs. IZE-CHARRIN (Secretary of the Commission) said that, as in the case of the previous draft resolution, approval had not yet been received from New York. A statement would be circulated once approval was granted.

50 Mr. McCAMMAN (United States of America), speaking in explanation of vote before the voting, said that his Government played a leading role in advancing internationally recognized human rights. It fully subscribed to the Universal Declaration of Human Rights, including article 25, and to the International Covenant on Economic, Social and Cultural Rights. His delegation was pleased to have been able to join the consensus on draft resolution E/CN.4/2000/L.17.

51 With regard to the draft resolution on the right to food, however, it was in an anomalous position. The United States contributed to global food security by being the world's largest exporter of agricultural commodities and the world's largest donor of food aid. His Government made every possible effort to have policies and programmes aimed at ensuring that people within the United States were free from hunger. It took into account the food security impact of trade and aid decisions and believed that the current process of agricultural trade liberalization was critical for long-term global food security.

52 Yet the mandate of the proposed special rapporteur on food was inconsistent with that of the Special Rapporteur on housing. It was important, in establishing new special rapporteurs, to base their mandates carefully on existing international instruments. Whereas the mandate of the Special Rapporteur on housing did so, that of the proposed special rapporteur on food did not.

53 Moreover, there was an inconsistency in the ways that the two draft resolutions discussed the general comments issued in May 1999 by the Committee on Economic, Social and Cultural Rights. No. 12, for example, reputedly set forth the authoritative definition on the right to food. His delegation could not agree that the definition was authoritative. Draft resolution E/CN.4/2000/L.17 merely took note of general comment No. 12, whereas draft resolution E/CN.4/2000/L.19 welcomed and affirmed it. The comment contained many assertions that his

delegation could not support it took quite a different approach from the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and also stated that there was a violation of the right to food if a State did not provide food to all Furthermore, it allowed a remedy against the State to individuals who believed that their right had been denied

54 For those reasons, his delegation could not support the draft resolution The best route to food security was through sound policies that expanded food production, encouraged economic growth and improved access to food, particularly by reducing protectionist barriers to trade and eliminating policies that raised food prices worldwide His delegation had hoped that the principal sponsors of the draft resolution would negotiate with it, either directly or indirectly, on a consensus text

55 At the request of the representative of Cuba, a vote was taken by roll-call on the draft resolution

56 Argentina, having been drawn by lot by the Chairman, was called upon to vote first

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zambia

Against: United States of America

Abstaining: Czech Republic, Latvia

57 The draft resolution was adopted by 49 votes to 1, with 2 abstentions

Draft resolution on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (E/CN 4/2000/L 20)

58 Mrs de ARMAS GARCIA (Cuba), speaking on behalf of the sponsors, said that consideration of the draft resolution should be postponed pending adoption of the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN 4/2000/112), which recommended that the mandates of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and of the independent expert on structural adjustment be merged

59 Consideration of the draft resolution was postponed

Draft resolution on human rights and unilateral coercive measures (E/CN.4/2000/L.21)

60. Mr. NENE (Observer for South Africa), introducing the draft resolution on behalf of its sponsors, drew particular attention to paragraphs 1 and 7.

61. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft resolution had no programme budget implications.

62. The CHAIRMAN said he noted that the representative of the United States had requested a vote on the draft resolution.

63. At the request of the representative of Cuba, the vote was taken by roll-call.

64. Bhutan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.

Against: Canada, Germany, Japan, Latvia, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Czech Republic, France, Italy, Luxembourg, Portugal, Republic of Korea, Spain.

65. The draft resolution was adopted by 36 votes to 9, with 7 abstentions.

Draft resolution on human rights and extreme poverty (E/CN.4/2000/L.22)

66. Mr. CHARLEMAGNE (France), introducing the draft resolution on behalf of its sponsors, said that the interrelationship between human rights and the eradication of poverty had become a central United Nations concern. Much remained to be done if poverty was to be combated, especially in its most extreme forms. The draft resolution invited the Working Group on the Right to Development to take account of the work of the independent expert on the question of human rights and extreme poverty and renewed the independent expert's mandate. The organization of a seminar to consider the need to develop a draft declaration on extreme poverty was envisaged.

67. There were a number of changes to be made to the text: in paragraph 8 (a), the words "government experts" should be replaced by "representatives of Governments", and the words "experts of" should be inserted before the words "United Nations specialized agencies". The translators should also ensure that non gender-specific French possessive pronouns were rendered as "his or her" in English, for example, in the first and second preambular paragraphs.

68. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Brazil, Ecuador, El Salvador, Indonesia, Niger, Pakistan, Philippines, Republic of Korea, Russian Federation and Sri Lanka, and the observers for Belarus, Bulgaria, Dominican Republic, Eritrea, Greece, Israel, South Africa and Ukraine had become sponsors of the draft resolution.

69. Once information on the administrative and programme budget implications of the draft resolution became available, it would be circulated to delegations.

70. Ms. RUBIN (United States of America), speaking in explanation of position, said that her delegation was pleased to join the consensus on the draft resolution. Well aware of the terrible effects of extreme poverty on individual and national growth, her Government had long been involved in international efforts to address that major impediment to human development. Her delegation welcomed the work of the independent expert, which was both thoughtful and constructive.

71. It had reservations, however, regarding paragraph 8, which requested the organization of a seminar to examine, and, presumably, to begin drafting, a declaration on extreme poverty. Such a declaration would simply duplicate the Programme of Action of the World Summit for Social Development. Efforts should be concentrated on implementing that Programme, rather than on creating a new mechanism.

72. Some delegations continued to suggest - contrary to the spirit of the World Conference on Human Rights - that extreme poverty could somehow justify neglecting human rights, or delaying implementation of their commitments to fundamental freedoms. In actual fact, the protection and promotion of human rights was an essential component of any poverty eradication strategy.

73. The draft resolution was adopted.

Draft resolution on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing (E/CN.4/2000/L.24)

74. Ms. PÉREZ DUARTE Y NOROÑA (Mexico), introducing the draft resolution on behalf of its sponsors, drew particular attention to the fifth preambular paragraph and to paragraph 12. The draft resolution was intended to further the "postponed" goals of the major world conferences and to serve as a basis for "Beijing Plus Five".

75. The various language versions should be checked to ensure that nuances were properly reflected in translation. In the penultimate preambular paragraph, for example, the word "own" had, in her view, been inadequately rendered into French.

76. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Bangladesh, India, United Kingdom, United States of America and Zambia, and the observers

for Belgium, Congo, the Dominican Republic, Ecuador, Finland, Ireland, Israel, Kenya, Morocco, Senegal, Uruguay and Zimbabwe had become sponsors of the draft resolution. There were no programme budget implications.

77. The draft resolution was adopted.

Sub-Commission draft decision 2 (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I)

78. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft decision had no programme budget implications.

79. The draft decision was adopted.

Sub-Commission draft decision 3 (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I)

80. Ms. GLOVER (United Kingdom) said that consideration of the draft decision should be postponed, since some delegations had assumed that it would be taken up under agenda item 17.

81. It was so agreed.

Sub-Commission draft decision 4 (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I)

82. Mrs. IZE-CHARRIN (Secretary of the Commission) said that information on the programme budgetary implication of the draft decision would be circulated in due course.

83. Mr. DENNIS (United States) requested that consideration of the draft decision be postponed until such information were available.

84. It was so agreed.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT

(agenda item 17) (continued) (E/CN.4/2000/89-96, 97 and Add.1, 121 and 145; E/CN.4/2000/NGO/7, 17, 23, 97, 107, 110, 121, 130-132, 134, 135 and 144; E/CN.4/1999/112 and Add.1; E/CN.4/Sub.2/1999/28 and Corr.1; E/CN.4/1998/84 and Add.1; E/CN.4/1997/105)

85. Mr. LEGWAILA (Botswana) said that the human rights and fundamental freedoms of all citizens were guaranteed under the Constitution of Botswana, including those of human rights

defenders, whether individuals or groups. The country boasted a vibrant civil society, which was free to monitor and criticize the activities of the Government. No human rights defenders had ever been harmed in any way in Botswana.

86. The death penalty was reserved for the most serious crimes, such as murder, treason or attempts to overthrow the Government. In all cases, extenuating circumstances were taken into account.

87. The death penalty would almost certainly be imposed for ritual murder. By law, it could not be passed on those aged under 18 at the time of the offence, pregnant women or the insane. The final decision on whether it should be carried out lay with the executive, which was obliged to seek the advice of the Committee on the Prerogative of Mercy on whether there were grounds for clemency.

88. His Government believed that those who intentionally took away innocent lives for their own benefit had no right in a caring society to claim that they themselves should live. However, the checks and balances in place ensured that the death penalty would be used only in cases where it was well deserved.

89. Ms. ROTH (Germany) said that, for the German Parliament, ending the practice of the death penalty in every country of the world was a policy relating to the most basic of all human rights, the right to life. No State had the right to decide that a particular human being was unworthy of life, whatever crimes he or she might have committed.

90. The death penalty, if carried out, was irrevocable, yet miscarriages of justice could never be excluded, even in democracies subject to the rule of law. In addition, recent findings had shown that the existence of the death penalty worked to the disadvantage of minorities, members of which tended to be more readily sentenced to death than those of other groups. One way of reducing the risks would be gradually to restrict the number of offences for which the death penalty could be imposed. Only abolition, however, could ensure full respect for the right to life.

91. Turning to the protection of human rights defenders, she said her delegation fully supported the statement on behalf of the European Union. Human rights defenders were increasingly being subjected to violations of their economic, social and cultural rights, particularly where it was deemed inappropriate to use less subtle tools of persecution that infringed their civil and political rights.

92. With regard to monitoring the implementation of the Declaration on human rights defenders, it was sometimes argued that the Commission's existing machinery was adequate to address violations of human rights defenders' own human rights. However, those mechanisms did not cover all the human rights issues at stake, either in geographical or thematic terms. Violations of the freedom of assembly and movement and the freedom to choose and exercise their profession were still terrifying realities to many human rights defenders in many countries. Adoption of the Declaration had taken long enough, but without a monitoring mechanism, it was a paper tiger. It was time to ensure its effective implementation by adopting the draft resolution that was before the Commission.

93. Mr. SKOGMO (Norway) said that his delegation had submitted a draft resolution requesting the Secretary-General to appoint a special representative to advise Governments, monitor the implementation of the Declaration on human rights defenders and seek and receive information on the situation of human rights defenders worldwide. There was strong support for such a mechanism.

94. A specific mandate was the best way to address the issue, because the existing thematic mandates did not cover all rights and the existing country mechanisms did not cover all countries. In addition, lack of resources would make it impossible to provide a comprehensive review of the situation of human rights defenders within the existing mechanisms. The appointment of a special representative was appropriate where the emphasis was on cooperation and dialogue with Governments and it was necessary to cooperate with other United Nations agencies; it would also signal the importance of the issue, even though the mandate would remain under the Commission's control.

95. Although there were no appropriate models, there was a strong feeling that the mandate should be a broad, general one. Some concerns had been expressed, however, over the proliferation of mandates, the problem of overlap and the risk of overstretching the secretariat support system. Such concerns were legitimate, but the Commission must be responsive to human rights imperatives. By focusing attention and formulating recommendations, such mechanisms had the potential to bring about important improvements.

96. Mr. GUEYE (Senegal) said that human rights defenders had an extremely important role to play in protecting prisoners, preventing child labour and other forms of exploitation, ensuring that citizens' rights were respected and reminding States of their responsibilities. States were also bound to support them in their work. States and human rights defenders had to find ways of working together in partnership towards a common goal.

97. Human rights should not be considered from the perspective of absolute sovereignty or of political expediency. Only by strengthening cooperation among the various actors - States, intergovernmental and non-governmental organizations (NGOs) and committed individuals - would it be possible to guarantee every man, woman and child the respect due to his or her dignity and all his or her fundamental rights.

98. Human rights defenders had a right to monitor States' fulfilment of their international commitments, but they also had a duty to prepare concise, accurate and objective reports that contributed to constructive debate and action.

99. In Senegal, human rights defenders had always been the subject of lively interest on the part of the authorities and his delegation wholeheartedly supported the idea of establishing a special mechanism to monitor implementation of the Declaration on human rights defenders.

100. Mr. GARCIA GONZALEZ (El Salvador) said that, for a country such as his own, emerging from years of civil war, the complex transition towards full democracy demanded political, cultural, educational, socio-economic and institutional restructuring, in order to achieve the integrated society that alone could form the basis for stability, peace and development. Against that background, and in the International Year for the Culture of Peace, 2000,

El Salvador's participation in the UNESCO programme "Towards a Culture of Peace" was highly relevant to Salvadorans' vision of the future in a country of which they could be proud.

101. The Culture of Peace programme had strong backing from many institutions and both governmental and non-governmental organizations. It had been incorporated into the 1999-2004 government plan, which also included a number of strategic crime-prevention actions. A Festival for Peace had been held every year since 1996, to enable Salvadorans to reflect on and celebrate the peace process in the country and exchange experience with other countries. The theme of the next Festival would be reconciliation, dealing with issues of the isolation or incomplete social integration of groups such as deportees and persons with disabilities.

102. El Salvador had proclaimed the year 2000 National Year for the Culture of Peace and undertaken to prepare and implement a national plan of action on the Culture of Peace, with the involvement of government departments and institutions and NGOs; his Government was also committed to the promotion and implementation of the Programme of Action on a Culture of Peace, adopted in 1999 by the United Nations General Assembly, in its resolution 53/243.

The meeting rose at 1 p.m.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.53
29 June 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 53rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 17 April 2000 at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)
later: Mr. RODRIGUEZ-CEDENO (Venezuela)

CONTENTS

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(c) SCIENCE AND ENVIRONMENT (continued)

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-13045 (EXT)

The meeting was called to order at 3.05 p.m.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS;

(b) HUMAN RIGHTS DEFENDERS;

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT (agenda item 17) (continued)
(E/CN.4/2000/89-96, 97 and Add.1, 121 and 145;
E/CN.4/2000/NGO/7, 17, 23, 97, 107, 110, 121, 130-132, 134, 135 and 144;
E/CN.4/1999/112 and Add.1; E/CN.4/sub.2/1999/28 and Corr.1;
E/CN.4/1998/84 and Add.1; E/CN.4/1997/105)

1. Mr. JAKUBOWSKI (Poland) said that a link existed between the exercise of human rights and good governance, as already recognized in the Universal Declaration of Human Rights, according to which it was essential that, if man was not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, human rights should be protected by the rule of law. According to that concept, people had to be freed not only from fear but also from want.

2. Good governance meant more than political democracy and the rule of law. It was essential for development, since it affected crucial aspects of social and economic development and of civil and political life. For that reason, his delegation had sponsored a draft resolution on human rights and good governance, which acknowledged its positive impact on the enjoyment of human rights and emphasized that those Governments working to enhance the quality of governance should have access to the resources necessary to facilitate their efforts.

3. His delegation supported the European Union statement on human rights defenders and paid tribute to them for their determination and heroism; they were truly irreplaceable. Consequently, his delegation strongly supported the Declaration on human rights defenders and the proposal to create a post of special representative of the Secretary-General mandated to propose effective measures to protect them.

4. Ms. MAHMOOD (Pakistan) said that the Declaration on human rights defenders, adopted by the General Assembly in 1998, recognized the legitimacy of their work and their need for better protection. Nevertheless, they continued to face repression and harassment around the world, even including the loss of life for some.

5. In Pakistan, representatives of civil society were included in the new government and in governing bodies at the national and provincial levels. The Government was keen to promote the participation of civil society, particularly in the development and protection of human rights. Human rights activists could visit jails, and participated in the reporting of information to human rights treaty-bodies. The Government also did its utmost to protect human rights defenders.

6. With regard to the deregistration of certain non-governmental organizations (NGOs) by the previous Government in the Punjab, it should be noted that some of them had become inoperative, and that 14,000 NGOs were registered in Pakistan. The Government of Pakistan was committed to implementing the Declaration on human rights defenders. In that context, the High Commissioner was urged to pay particular attention to the concerns of human rights defenders in areas under foreign

occupation. For instance, India had stopped four Kashmiri human rights activists from attending the Commission's current session. The international community should call upon India to fulfil its obligations under international law.

7. Mr. ALFONSO MARTINEZ (Cuba) said that the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms represented a milestone in the efforts by the United Nations to uphold the human rights of all persons in all countries. Originally devised as a weapon in the cold-war period, the Declaration had ultimately been adopted by consensus because its text had convinced all member States that it was not a tool for the foreign policy of certain States but a means of stimulating international cooperation. The Declaration stressed, in particular, the need to respect fully the principle, enshrined in the Charter, that only through cooperation could the world community settle international problems of a humanitarian nature. Tribute was due to Professor Ian Helgesen for his important role in the Declaration's drafting and adoption. The essential texts hitherto adopted in that area had enjoyed consensus, which it was important to maintain if the Declaration was to be effective.

8. Human rights were upheld not by fine words alone but first and foremost by effective action. It should be recalled, in that regard, that many States claiming to champion human rights had refused, not so long ago, to condemn apartheid. Regrettably, some ideas voiced in the Commission about the Declaration's implementation boded ill for consensus. While his delegation was ready to do its utmost to avoid confrontation, it reserved the right to take whatever steps it might judge suitable to achieve the goal that all countries deemed established, namely, that of protecting those who defended human rights in their respective countries.

9. Mr. OYARCE (Chile) said that civil society organizations, representing citizens' interests, were assuming an ever more important role in international relations. For that reason, his Government was determined to maintain an open dialogue with them so as to make it possible to establish trust and a rational understanding of differences in views.

10. Human rights defenders had at all times reflected civil society's concerns by encouraging the protection and promotion of human rights and fundamental freedoms. Whether individually or in association with NGOs, they played a crucial role by calling speedy attention to critical situations as well as participating in the improvement and progressive development of international human rights law. His delegation expressed its recognition of those whose strove, often at the risk of their lives, for human dignity. A further reason for Chile's devotion to the cause of defenders was its debt to them for the restoration of democracy.

11. His delegation had played an active part in drawing up the Declaration on human rights defenders. Article 12 of its text recognized the right of everyone to participate in peaceful activities against violations of human rights and fundamental freedoms, and required the State to protect the defenders of those rights.

12. The development of international human rights law owed a great deal to human rights defenders: the campaign against racism, intolerance and torture, recognition of the rights of women and the child, and concern for vulnerable sectors. Defenders had played a striking role in promoting the standardization process, especially the adoption of conventions and protocols. Their task was not restricted to revealing violations; they were the source of public awareness in that sphere. They thus played a part in developing a universal human rights culture as defined in the Vienna Declaration and Plan of Action.

13. His delegation was grateful to that of Norway for having attached such importance to the topic. It would be a sponsor of the resolution to establish a mechanism to monitor implementation of the principles set forth in the Declaration on defenders.

14. Chile shared El Salvador's willingness to associate human rights with the development and promotion of a culture of peace. There were grounds for hope that the establishment of a working group on that topic, during the current International Year for the Culture of Peace, would lead to fruitful consideration.

15. Mr. PALIHAKKARA (Sri Lanka) said that the human rights community had lost one of its stalwarts the previous year, with the assassination of Neelan Thiruchelvam, a Tamil citizen of Sri Lanka, who had truly been an ardent defender of human rights and democracy. Many people from all walks of life had condemned that terrorist act. The Sub-Commission, at its August 1999 session, had called on all concerned to bring the perpetrators to justice. It was regrettable, therefore, that certain groups, such as the so-called Tamil Centre for Human Rights, had sought to "justify" that crime by explaining that Neelan had made himself "vulnerable" by participating in the promotion of human rights and the solving of conflicts by democratic means - a glaring instance of terrorism's audacity. Peacemakers and human rights defenders like Neelan were threatened by those who feared peace.

16. Shortly after Neelan's death had come another deplorable killing, that of Mr. Ponnambalam, a criminal defence lawyer known for his frankness on the most controversial political and legal issues. His death was a further loss for democracy since he had never hesitated to voice dissenting views. That Tamil leader had been murdered for having sought to promote an alternative to violence and terror.

17. In that context, his delegation deemed it essential to establish an impartial and neutral mechanism to ensure not only the rights but also the safety of human rights defenders and all those who worked for democracy. It therefore felt that the Commission should decide, at its current session, to establish such a mechanism. It supported the initiative proposed by the delegation of Norway to that end.

18. His Government supported Sub-Commission resolution 1999/3, in which the name of Neelan Thiruchelvam was mentioned. Neelan's murder was a tragedy with an international dimension in that all those who perpetrated such acts should be made outcasts of society. They should not be accorded accreditation by NGOs to which they did not belong or participate in international meetings, such as the session of the Commission on Human Rights, where they came to vaunt their deeds. It was abnormal for representatives of terrorist groups, which justified the murder of a human rights defender, to be able to enter the United Nations as representatives of an NGO and make allegations against Member States concerning acts for which the latter were not responsible. The Commission should require such mischief-makers to observe the procedures of the Optional Protocol to the International Covenant on Civil and Political Rights, so that their accusations could be scrutinized by the Human Rights Committee.

19. Mr. LIU Jing (China) said that his delegation had participated actively in the adoption of the Declaration on human rights defenders. His Government recognized that individuals, groups and organs of society could play a positive and constructive role in the promotion and protection of those rights, provided that their activities were in keeping with national legislation. However, groups - such as Falun Gong - engaging in illegal activities, were guilty of statutory offences under criminal law. Nor would his Government tolerate the activities of groups that sabotaged the territorial integrity of sovereign States, subverted legitimate Governments or undermined the fundamental rights of others in the name of promoting and protecting human rights. Ultimately, it was for States to determine, on the basis of their laws, whether activities carried out by individuals, groups or organs of society were of a nature to

promote and protect human rights as defined in the Declaration. His Government did, however, recognize the competence of the mechanisms of the Commission on Human Rights to resolve problems arising from the implementation of the Declaration. Generally speaking, his Government recognized the positive role played by international human rights instruments and was sincerely concerned to fulfil its obligations under those instruments, including its reporting obligations. In the two Special Administrative Regions over which China had regained sovereignty, Hong Kong and Macao, the international instruments applicable in those two regions would remain valid, whether or not China was a party to the instruments in question.

20. Mr. WILLE (Norway), speaking on behalf of the Nordic countries, namely, Denmark, Finland, Iceland, Norway and Sweden, on the issue of fundamental standards of humanity, said that the matter had been before the Commission since 1995. The current year's report (E/CN.4/2000/94), as well as those of previous years, should facilitate discussions and consultations on that difficult issue. The Statute of the International Criminal Court, adopted in 1998, had helped to identify crimes of a nature sufficiently serious to warrant prosecution at the international level. Those crimes were listed in articles 6, 7 and 8 of the Rome Statute. Such crimes, as well as those committed in the context of internal armed conflicts, should thus be taken into consideration when discussing fundamental standards of humanity. The study undertaken by the International Committee of the Red Cross (ICRC) on international humanitarian law would also provide guidance in that area.

21. Earlier the current year, the Government of Sweden, in cooperation with the Governments of Denmark, Finland, Iceland and Norway, had organized an expert meeting on the issue of fundamental standards of humanity. The participants had agreed on the need to continue studying standards common to both human rights and international humanitarian law. His delegation invited the other delegations to engage in that process, with a view to strengthening the protection of the individual in all situations. The report of the expert meeting had been circulated with the symbol E/CN.4/2000/145.

22. Mr. KUMAR (India) stressed the importance attached by the Universal Declaration of Human Rights, in its article 26, and the Vienna Declaration and Programme for Action to human rights education. The year 2000, which marked the mid-point of the United Nations Decade for Human Rights Education, was the appropriate occasion to take stock of global action in that regard. It was a matter of concern that human rights education had not become widespread throughout the world and that it had not acquired a holistic character. After all, it was not merely educational institutions that benefited from education of that type, but all sectors of society. Any human rights education strategy must incorporate the following objectives: raising the awareness of society at large, particularly that of disadvantaged groups, and encouraging society to press for the protection of human rights; countering prejudices which undermined the principles of tolerance; and ensuring that the authorities discharged their duties with respect for human rights and that individuals assumed their responsibilities towards others and towards society at large. Ultimately, any educational programme in that area should take account of the realities on the ground.

23. His Government had set up a committee to coordinate activities within the framework of the United Nations Decade for Human Rights Education. In that connection, the following objectives had been identified: free and compulsory primary education up to the age of 14; the inclusion of human rights in school curricula; the identification of jobs requiring specialized knowledge in human rights; the need to provide human rights education to members of certain professions - such as doctors, lawyers, the judiciary and members of the police and security forces; and, lastly, the organization of human rights training courses for the staff of local authorities. In higher education, it was envisaged that seminars would be held on the question of human rights, with classes made available at university level.

24. Each country, according to its needs and priorities, should evolve a system of human rights education. Nevertheless, international cooperation could also play an important role in that regard. His delegation hoped that the Office of the High Commissioner for Human Rights (OHCHR), through its technical cooperation programme, would continue to support country action in that area.

25. Mr. NAMAN (Observer for Kuweit) said that it was reassuring to note that, at the beginning of the third millennium, a growing number of societies were seeking, through education and awareness-raising campaigns, to construct a culture of peace and a culture of human rights.

26. His Government, for its part, had paid special attention to the implementation of General Assembly resolution 53/153 on the United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights. It had encouraged the media in Kuweit, as well as public and private organizations, to educate citizens about their rights and duties. In October 1992, the Kuweiti Parliament had established a standing commission for the protection of human rights, thus reflecting the importance it attributed to that vital matter, which was the pillar of any modern State in which justice and the rule of law prevailed. The standing commission had, inter alia, organized seminars to publicize human rights. In Kuweit, NGOs played a very important role in that area. They organized seminars and tackled issues such as the situation of women in armed conflicts, the situation of refugees throughout the world, and the right of families of prisoners to a dignified life. Women's associations likewise played a positive role by increasing awareness of the basic international human rights instruments and seeking ways of eliminating discrimination against women. Kuweit had thus consciously entered the "century of democracy and human rights".

27. Such was not the case in other countries, where Governments used the media to deceive public opinion. It was vital to denounce such rogue regimes and to maintain pressure on them until they complied with their human rights obligations.

28. Mr. KRISAFI (Observer for Albania) said that his Government, following a 45-year Communist regime characterized by serious violations of human rights, had made respect for human rights one of its priorities. It had thus embarked on an overhaul of Albanian legislation in order to bring it into line with the international human rights instruments. In November 1998, that process had culminated in the adoption of the Constitution of the Republic of Albania, in which human rights and fundamental freedoms were accorded a central place. In parallel, considerable work had been done in preparation for Albania's ratification of the full range of international human rights instruments. A standing parliamentary commission on human rights and fundamental freedoms had been established. In addition, a large number of NGOs carried out intensive work in that area.

29. Capital punishment had been abolished in Albania. In 1999, a law establishing the post of People's Advocate had been enacted, and the first Albanian People's Advocate, recently elected by Parliament, was already in office. In 1999 also, a special post had been established under the Council of Ministers, namely a governmental representative for the protection of human rights and fundamental freedoms.

30. Despite the considerable progress made over the past decade, it would be untrue to assert that the country had no human rights problems. In the police forces, the administration of justice and other institutions, individuals - for various reasons - did sometimes infringe upon the rights of the human person. The Government did its best to ensure that the perpetrators of such acts were identified and severely punished with the full vigour of the law.

31. Mr. PETOCZ (Observer for Slovakia) said that the World Conference on Human Rights had rendered possible a global analysis of the international human rights system and had clearly brought out

the need for combined efforts on the part of States, intergovernmental and non-governmental organizations.

32. The Slovak Republic appreciated the efforts made towards the adoption of the Optional Protocols to the Convention on the Rights of the Child and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also supported the activities aimed at enhancing the effectiveness of the human rights mechanisms and the functioning of the treaty bodies.

33. At the national level, Slovakia was preparing to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. In 1999, it had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

34. Ms. BIGI (Observer for San Marino) said that her country had been one of the first in the world to decide to abolish the death penalty. The San Marino penal code ruled out not only capital punishment but life imprisonment. Moreover, San Marino had on numerous occasions intervened in international bodies to support strong the idea of gradually achieving universal abolition of the death penalty. It had also been a sponsor of the draft resolution on the question of the death penalty, introduced the current year by the European Union.

35. All States had the responsibility to punish the perpetrators of violations and to ensure public safety and law and order. That responsibility should not, however, lead to systems of justice based on vengeance or the lex talionis. The infliction of death on a human being, even one found guilty of horrendous crimes, violated the most fundamental of human rights, the right to life. Moreover, that penalty did not provide a valid system of protection for society, or an effective means of dissuasion. Indeed, experience had shown that crime rates and violence had not been reduced in countries applying that penalty. Furthermore, miscarriages of justice could always occur. All judicial systems provided that, in specific circumstances, a trial might be open to appeal and a sentence could be modified or annulled. However, a death sentence, once executed, was irreversible.

36. Her Government fully supported the decision not to include the death sentence among the penalties that might be pronounced by the new International Criminal Court. It sincerely hoped that that decision would encourage States in which the death sentence was still included in the penal code to embark on a process of gradually eliminating the offences subject to that sentence and apply a moratorium on executions. Such an action would represent a new step towards the universal abolition of capital punishment.

37. Mr. HUSSAIN (Observer for Iraq) said that, if science and technological progress had been made available to mankind to improve the quality of life and to promote human rights, they had also been used for warlike purposes and to commit serious violations of those rights.

38. One particularly ill-fated discovery was that of depleted uranium, which was characterized by extremely high radioactivity. It had been used as a weapon during the 1991 aggression against Iraq. The Pentagon had estimated the total depleted uranium released over the country in six weeks to be 315 tonnes. The environment had been polluted, and wind and rain had spread uranium dust over vast regions. Apparently, one third of the United States troops and 8 000 British soldiers who had participated in the hostilities had manifested pathological symptoms due to their exposure to depleted uranium. The ramifications on the health of the Iraqi population were numerous. Scientific studies revealed that the incidence of cancer, physical deformities, thyroid problems, renal deficiencies and sterility problems had multiplied since 1989. Given that certain effects of depleted uranium only

became apparent after many years, Iraq would have to wait until 2025 - or even 2040 – to become aware of the long-term consequences of the use of that weapon.

39. The Sub-Commission on the Promotion and Protection of Human Rights had tackled the issue in 1996 and 1997 and had taken the view that depleted uranium was a weapon of mass destruction whose use was thus against international humanitarian law. His delegation requested the Commission to appoint a special rapporteur and to allocate him the necessary financial resources to carry out a study and to submit a report on the matter to the Commission at its following session.

40. Mr. BELIZ (Observer for Panama), speaking on behalf of the Central American Group, said that the promotion of a culture of peace was a fundamental question for Central America, particularly inasmuch as it was closely linked to the effective enjoyment of human rights, the strengthening of democratic institutions and sustainable human development.

41. The Declaration and Programme of Action on a Culture of Peace, adopted by the General Assembly in its resolution 53/243, dated 13 September 1999, would henceforth provide a frame of reference for the subject. Moreover, the celebration in 2000 of the International Year for the Culture of Peace reflected the commitment of the Member States, NGOs and civil society to work towards international peace and security in accordance with the principles enshrined in the Charter of the United Nations, while seeking to change the mentalities of individuals and social groups by adopting values, modes of behaviour and ways of life geared towards a culture of peace. In addition to the International Year, there was also an International Decade for a Culture of Peace and Non-violence for the Children of the World (2001-2010) which should help to improve the situation of the most vulnerable individuals and groups in all countries by encouraging the strengthening of networks of mutual assistance and by combating cultural models which extolled violence or war. Other initiatives, such as the United Nations Year of Dialogue among Civilizations, the Special Session of the General Assembly on the achievements of the goals of the World Summit for Children and the World Conference against Racism (all planned for 2001) would also contribute to the process.

42. In 1998, on the occasion of the fiftieth anniversary of the adoption of the Organization's Charter, the ministers for foreign affairs and heads of delegations of the States members of the Organization of American States (OAS) had adopted a declaration reaffirming the Caracas commitments to promote development and non-violence and recognizing the right to peace as a right which was inalienable and inherent to the dignity of the human person. The Central American Group hoped that the members of the Commission would cooperate in the organization of a meeting on the culture of peace in celebration of the International Year.

43. Another essential issue for the countries of Central America was the quality of the environment. Just as the protection and promotion of human rights knew no frontiers, environmental problems concerned all countries. The Alliance for Sustainable Development of Central America (ALIDES) stressed the human dimension of development; its principal aim was to improve the quality of life of the peoples. The indivisibility of human rights made the elaboration of environmentally rational and sustainable models of development necessary. The full enjoyment of fundamental rights could be guaranteed only by safeguarding the delicate equilibrium between man and his environment. The Central American Group was convinced that the best way of achieving that equilibrium was by including environmental issues in national school curricula, with a view to encouraging global awareness of the issue.

44. Several programmes were currently being implemented in the region, including the Meso-American Biological Corridor, which formed part of the Plan for the Protection of the Environment in

Central America and whose purpose included combating extreme poverty in certain priority zones by helping people to make rational use of natural resources.

45. Mr. ZELLWEGER (Observer for Switzerland) said that his country remained committed to total abolition of the death penalty throughout the world. Switzerland had renounced its use as a possible penalty and had taken the necessary steps to ensure that it could never be reintroduced into its domestic legislation. In 1987, it had become a party to the Protocol No. 6 to the Convention for the Protection of Human Rights, and Fundamental Freedoms concerning the abolition of the death penalty and, in 1994, it had ratified the second Option Protocol to the International Covenant on Civil and Political Rights.

46. His Government welcomed the fact that more than half the world's countries had abolished the death penalty in their legislation or in practice. It noted with grave disquiet, however, that Saudi Arabia, Iran, Nigeria, Pakistan and the United States of America still applied the death penalty for crimes committed by minors. As the Human Rights Committee had affirmed, applying capital punishment to persons who, before having reached the age of 18 years, had committed crimes subject to a death sentence contravened article 6 of the International Covenant on Civil and Political Rights.

47. In his Government's view, execution of persons many years after their sentence had been pronounced could constitute cruel and inhuman treatment and in fact amounted to a double sentence, since the State deprived the person of his freedom for a prolonged period and then took his life. It also regretted that a number of countries, including Afghanistan, Viet Nam, Saudi Arabia and China, still carried out mass public executions in the guise of exemplary punishment. It should be stressed, in that regard, that no scientific study had ever shown that the death penalty was a more marked deterrent than other punishments.

48. His Government therefore appealed to States still having recourse to the death penalty to proscribe, or at least declare a moratorium on, executions or commute capital sentences to life imprisonment. Many such States claimed the support of majority public opinion for continuing to apply the death penalty; but the authorities should be assuming their responsibility by actively informing the people about all the death penalty's implications. Respect for the right to life excluded the very principle of the death penalty. No Government, therefore, could claim to respect human rights while retaining capital punishment. So long as the latter was maintained, moreover, the risk of executing an innocent person could never be entirely eliminated. Tacit acceptance of that risk was, not simply from a legal but also - and mainly – from a human point of view, unacceptable.

49. Mr. ANOSHKO (Observer for Belarus) said that protecting human rights was an essential State task. The principle that the human being and his rights and freedoms constituted the supreme value was established in the constitution of Belarus. While considering that democracy was an essential prerequisite for the full enjoyment of human rights, Belarus was deeply convinced that the democratization process must be progressive and correspond to a country's economic potential, its society's mentality and its national traditions, since otherwise the people would be disgruntled and social problems would arise.

50. His Government agreed that a European approach was needed to the current problems, which would take account of sovereign national interests, and draw upon European human rights experience in reforming its legislation. Parliament had recently adopted a number of very important new laws, such as the Civil Code and the Meetings and Demonstrations Act. It had radically amended the laws on the press, the bar, and the organization of the judicial system and the judiciary. It had prepared a draft criminal code and a draft code of criminal procedure, and was preparing bills on the establishment of a mediator for human rights and one for the rights of the child as well as on prison administration and the protection of the rights of persons in psychiatric care. Preparations for a national programme to protect

rights and freedoms were well in hand, and the national plan, adopted in 1999, to strengthen human rights training had bcome operational. Belarus was grateful to the Organization of Security and Cooperation in Europe (OSCE) and the Council of Europe for the assistance it had received in that regard. It attached importance to developing regional cooperation in human rights matters and was party to the main international instruments in the area; it regarded observance of the obligations stemming therefrom as an imperative. Only a constructive, balanced approach based on open dialogue and close cooperation would really help to improve the human rights situation.

51. Mr. AYEWOH (Nigeria) said that, in the field of human rights, countries' efforts must seek to marry the sometimes differing perceptions with the universally accepted standards. Such had been Nigeria's approach in incorporating in its Constitution the principles contained in the two International Covenants on Human Rights. That approach had been facilitated by the restoration of the democratic regime in May of the previous year, which had created a suitable climate in the country for the observance of human rights. A high-powered panel had been established to review the human rights violations committed in the past, redress injustices and ensure that they were not repeated. The panel had so far received over 15,000 petitions for redress. Furthermore, Decree No. 2 of 1984 which, in the name of State Security, had allowed prolonged, arbitrary detention without trial, had been abolished. The Government was also striving to remedy prison congestion arising from delays in the administration of justice. It was currently recasting the justice system, and steps were being taken to review prison administration and restructure the forces of law and order. The use of torture and other forms of intimidation was forbidden, and those who infringed the relevant laws were punished. Conscious of the need for an impartial legal system, Nigeria likewise prohibited military courts from trying civilians. Capital punishment, however, had not been abolished and remained as a penalty for the most serious crimes.

52. The National Human Rights Commission and NGOs in the country had been in the forefront with regard to human rights education. In December 1999, the National Commission had organized educational programmes in various local languages so as to promote awareness of the subject in the various communities.

53. The Government had not neglected either the question of the environment, which had aroused much agitation in the past. Laws had been enacted to monitor the flaring of oil by-products, oil spillages and other pollution problems in the country's oil-producing areas. In the Niger delta region, where such pollution problems were particularly acute, a special Niger Delta Development Commission was being set up. In that connection, his delegation supported the draft resolution against the dumping of radioactive and toxic wastes, a subject currently before the Commission; it recommended adoption of the draft resolution by consensus.

54. Mr. BAUMGARTNER (International Educational Development Inc.) said he wished to congratulate the Indian and South African Governments on their efforts to clarify a number of matters relating to AIDS. The South African President,Thabo Mbeki, had understood the need for a critical approach to the scientific discussion, which should no longer be left solely to those who maintained that HIV caused AIDS. It was high time to reappraise the link between HIV and AIDS and to submit the current widespread assertions about the disease to rigorous scrutiny. HIV had not been isolated as a virus, despite what Prof. Luc Montagnier had once suggested. National and international health authorities had still provided no scientific proof of a link between HIV and AIDS. Those courageous enough to demand explanations had been unjustly disdained, while the irresponsible attitude of specialists undermined progress in medical research. Although President Mbeki's action was a welcome one, the means he had applied were insufficient to shed light on what virus caused AIDS.

55. His organization asked the Commission to include a separate item in its annual agenda on science and environment. Human rights violations stemming from dubious scientific practices, genetic piracy and abuse of biomedical research were but a few of the issues that might be addressed under such an item.

56. His organization considered that the requirement imposed by the Government of Mexico on human rights defenders to apply for a FM3 visa hampered the follow-up of the human rights situation in Mexico. Indeed, the need to plan any visit at least 30 days in advance prevented any emergency action. And there had been many cases of NGO members, international observers and foreign visitors being subjected to ill-treatment in that country.

57. Mr. WEI (Transnational Radical Party) said that, in China, apart from the so-called NGOs of the Chinese Government, most of the human rights work was done by opposition groups, generally with outside help which had great difficulty in reaching them. One case was that of Mrs. Ding, whose son had been killed in Tiananmen Square in 1989. Mrs. Ding's home was under constant surveillance, and humanitarian aid which foreign friends tried to provide for her was intercepted by the police. Such aid was needed, however. Many people had been killed in Tiananmen Square, many injured and numerous children had been left uncared for. All those people were in real need of sympathy and help from their friends inside and outside China, but sadly they were treated by the Chinese Government as quasi-political prisoners.

58. He himself had tried in 1993, during his short-lived parole period, to help those victims' families to make contact with people who might be able to help them. Unfortunately, he had been arrested and the police had confiscated the donations he was preparing to transmit to the families. Worst still, the Chinese authorities had used the donations as a pretext to accuse him of seeking the Government's overthrow. That sort of treatment had been meted out to many human rights defenders in the past few years. One such event had taken place quite recently on the very premises of the Palais des Nations, in the coffee room close to the conference room in which the Commission was meeting. Representatives of the Chinese delegation there had refused to take up the issue of human rights with members of political prisoners' families, and had even called the police to remove those people who had politely requested a conversation with them in an effort to improve the human rights situation in China.

59. The human rights situation in China was deteriorating, and human rights defenders there were in danger. The United Nations should therefore stress the importance of the Declaration on human rights defenders and urge the Chinese Government to carry out its promises to protect the minimum political rights of individuals. If those who sacrificed their time and interests in the cause of human rights could not be protected, and if nothing was done to prevent their exposure to risk and punishment, it was hard to see who could be depended on to bring Governments to respect peoples' basic rights.

60. Protection of human rights defenders should be an issue of high priority, because the world had need of them.

61. Ms. STOTHARD (Aliran Kesederan Negara - National Consciousness Movement) made a pressing appeal to the members of the Commission on Human Rights to intervene urgently on behalf of more than 50 people who had just been arbitrarily arrested in Malaysia for having exercised their right to freedom of expression and assembly. Kuala Lumpur, the country's capital, had been put under a state of siege by the riot police, had turned out with sub-machine guns and who had set up roadblocks against demonstrators who had been parading peacefully. A number of well-known human rights defenders - Roslan Kassim, Mohamed Ezam Mohamed Nor, Abdul Malek Hussein and Tian Chua - had been arrested at the time. Mr. Tian Chua was especially popular among all ethnic groups for his peaceful action for social change. The fact that the police had not beaten him, as during previous

arrests, should be considered an improvement. The Malaysian Government had made those arbitrary arrests to prevent demonstrators from commemorating "Black 14", namely, 14 April the previous year, when Anwar Ibrahim, the former deputy Prime Minister, had been sentenced to six years in prison.

62. The Universal Declaration of Human Rights and the Malaysian Constitution recognized the right to peaceful assembly. The previous year, however, more than 1,000 people had been charged in Malaysia with illegal assembly. She appealed to the Commission Chairman and to the Commission as a whole to request the Malaysian authorities to order the immediate and unconditional release of those arrested, put an end to the crackdown and allow Malaysians to exercise their constitutional right to freedom of meeting and expression. In view of the Malaysian Government's widespread and brutal repression of the population, she urged the Commission to disqualify Malaysia from Commission membership. The crackdown made a sheer mockery of the Malaysian delegation's alleged commitment to the promotion of the rights enshrined in the Declaration on human rights defenders. The repression, going on even while the Commission was sitting, and the deafening silence of the newly-established National Human Rights Commission, showed the extent of that country's contempt for international human rights standards. Unfortunately, Malaysia was not the only Asian country where human rights defenders were victims of aggression. It was regrettable, in that regard, that the Association of South East Asian Nations (ASEAN) had not incorporated international human rights standards in its terms of reference. Among the States where violations of those rights were particularly notorious, she cited Burma, Singapore, Indonesia and even Thailand.

63. Mr. WARNER (Pax Christi International), noting that the General Assembly had proclaimed the year 2000 as the International Year for the Culture of Peace, wondered whether sober reflection on the errors of the past and the finding of ways to avoid them in the future were possible. The twentieth century had been one of unprecedented catastrophe and cruelty, in which perhaps 100 million people had died as a result of military and civil conflicts. The just-concluded second millennium had been a bloody period, marked by national ambitions, contending philosophies and intolerance. But the millennium's most disgraceful aspect was undoubtedly the extraordinary religious intolerance, which had led man to inflict the direst atrocities on his fellow man. He pointed to the litany of massacres perpetrated in the name of God and still being pursued; the conclusion was that the world desperately needed a new culture based on non-violence, tolerance and a system of shared values.

64. To encourage such a culture required serious efforts to prevent conflicts - for example, by means of early United Nations intervention into sensitive areas, restriction of the arms trade and the encouragement of civil society in countries trapped in cycles of violence and repression. Conflict management, too should be more effective - firstly, through greater efforts to contain and de-escalate conflicts. Religious authorities should not morally legitimize conflicts, and civil and religious institutions working for peaceful settlement should be supported. Once a conflict had ended, reconstruction and reconciliation should be promoted and a truth commission or tribunal could help bind the wounds of the past and facilitate a more cooperative future. His organization truly believed it possible to put an end to the cycle of conflicts arising from discrimination and intolerance, much of it governed by religious nationalism, and felt that, through individual example and cooperation among institutions, the year 2000 could truly be the International Year for the Culture of Peace.

65. Ms. NUR (Netherlands Organization for International Development Cooperation) said that the high expectations aroused by the fall of the Soeharto regime in Indonesia had not been fulfilled; the State had not only taken no step towards ending human rights violations but, on the contrary, had resorted to further violence. Indonesian human rights activists were in a weak position, regarded as political enemies by the regime.

66. The general public, and even the defenders themselves, did not realize that the State was obliged to protect them by article 9 of the Declaration adopted by the General Assembly. That was because the State refused to promote human rights, make known the relevant international instruments and cooperate with NGOs. Indonesian human rights activists thus continued to be terrorized by the State and the army. Such had been the experience of several members of the national Commission of Inquiry into Human Rights Violations in East Timor and the defenders in the Aceh case, as well as of witnesses of violations and of humanitarian agents striving to bring help to victims. Terror of that sort led to deep-seated fear in society and impeded the development of a support movement.

67. Her organization also drew the Commission's attention to the situation of human rights defenders in Malaysia: more than 50 people had been arrested the previous day during a peaceful gathering in a place of worship, the police having used excessive force. Her organization would like the Commission to urge all States, particularly Indonesia, to uphold firmly the resolution on human rights defenders, so that the Declaration might become a legal instrument making a real contribution to protecting them and promoting human rights.

68. Mr. AUNG (Worldview International Foundation) said that, in situations of human rights violations, human rights defenders were particularly exposed to harassment, threats and arbitrary detention.

69. In Mandalay, Burma, four such defenders had been arrested simply for wearing yellow clothing, yellow being the colour adopted by the democracy movement. Following a summary trial, they had been sentenced to forced labour. The Legal Aid Committee of the National League for Democracy had submitted a special appeal to the Mandalay High Court; it had been dismissed the same day. In addition, a journalist had had his sentence extended for having smuggled letters to the Special Rapporteur on the situation of human rights in Burma, in which he had described conditions in Insein prison. The Chairman of the All Burma Federation of Student Unions had been jailed and sentenced to 20 years' imprisonment without legal process. For the 2,000 students still in prison for having demonstrated peacefully, he was the very symbol of the struggle for democracy and human rights.

70. Those examples clearly showed that currently the worst crime that could be committed in Burma was to agitate for the defence of human rights. For that reason, his organization urged the appointment of a special rapporteur for human rights defenders, together with a strong appeal to all States Members of the United Nations, including the Burmese military regime, to commit themselves to observing the Declaration on human rights defenders.

71. Ms. HAENNI (Association for the Prevention of Torture, (APT)) said that universal ratification of the Convention against Torture was an important step in the campaign against that practice. Unfortunately, only 119 countries had ratified it, thus making it, of the core international human rights instruments, the one with the lowest number of ratifications. The coalition of international NGOs against torture (CINAT) continued to campaign for the Convention, and called on countries that had not yet ratified it, particularly India, Nigeria, Haiti, the Republic of the Congo, Syria and Ireland, to do so before the Commission's next session. The Commission on Human Rights should also encourage countries to recognize the competence of the Committee against Torture, withdraw any reservations and speed up the negotiations aimed at adoption of the draft optional protocol to the Convention against Torture. Her organization reiterated its call for the appointment of a special rapporteur for human rights defenders.

72. Ms. PEROUT (Canadian Human Rights Foundation) said that her organization's work was essentially in the area of non-formal human rights education, through programmes to develop awareness of and respect for the rights of others. The General Assembly, in declaring the United Nations Decade

for Human Rights Education, had recognized that effective education on the subject would help to reduce the number of human rights violations.

73. The goal of human rights education was firstly to encourage individuals to manage their own destiny and to participate in the decision-taking that affected the life of their community.

74. In November 1999, at a meeting held in Nepal for action at the regional level relating to the United Nations Decade for Human Rights Education, it had been found that very few of the NGOs had heard of the initiative. In fact, many Governments had not hitherto paid any attention to the issue. Consequently, her organization invited the Member States to establish national plans of action relating to human rights education, integrate the subject into school curricula, promote awareness of it in civil society and provide training for public officials, including those responsible for protecting human rights as well as those (in the police, the prison service, etc.) often associated with violations of those rights.

75. Such projects would help to build a culture of human rights and, as a result, peace among nations. In that spirit, States should cooperate and provide financial support for human rights education at the international, national and local levels.

76. Ms. SMITH (World Alliance of Reformed Churches), speaking on behalf of her Church, the United Church of Christ, and also as a United States attorney for the rights of persons sentenced to death, urgently appealed to the Commission to support a moratorium on the death penalty. She asked the Chairman and members of the Commission to heed the desperate appeal made by those spending their final hours on death row. One such case was Jesús Angel Delgado, a Cuban refugee who had recently attempted suicide in prison because of a threat to deny him visitors. In an appeal addressed to the world, he denounced his fate - cruel and inhuman - of being buried alive. In solidarity with those sentenced to death in Florida, who had been on hunger strike in protest against the State's attitude to them, he called for an end to executions which were used only to kill the poor.

77. She also asked the Commission to heed the anguished appeal of Mrs. Lois Robinson, whose son Larry had been executed the previous January in Texas. Having being recognized as mentally ill, Larry, instead of receiving care, had languished on death row for 17 years before being executed despite appeals on his behalf by the international community, including the European Union, the Pope and millions of citizens throughout the world asking for the death sentence to be commuted to life imprisonment. All appeals for clemency, including one she herself had addressed to Governor Bush, had been turned down. According to death penalty experts, nearly 40 per cent of the persons sentenced to death in the United States were mentally ill. Executing such prisoners totally violated United Nations principles and the respect for human dignity. In the name of those principles, she asked the Commission to add its voice to that of the family of a further person, Robert Glen Coe, sentenced to be executed during Holy Week in the State of Tennessee.

78. Lastly, she mentioned the extraordinary case of Ms. Suezann Bosler, whose father, a minister of religion, had been stabbed to death. His murderer had been sentenced to death but, since the victim had been an opponent of capital punishment, his daughter, Ms. Bosler, had campaigned against the death sentence. The jury had finally recommended life imprisonment.

79. Mr. JUAREZ MATTEO (Asociación Latinoamericana para los Derechos Humanos) said that a brief review of the Commission's agenda sufficed to show that all the substantive questions directly involved indigenous peoples. The fact was well known to the Governments of countries where such peoples lived, and to United Nations bodies, but they would rather avoid their responsibilities. In Colombia, the claims made by the indigenous peoples the chief victims of the armed conflict, were not even considered in the peace negotiations; in Mexico, warfare was brewing in the State of Chiapas and

extending to other states whose populations were for the most part indigenous; in Ecuador, the indigenous peoples, who had brought about the Government's fall, had had their victory snatched away; in Bolivia, the Government of Hugo Banzer was sending the army into the Aymará and Quechua communities; and in Guatemala, - his own native country,- three and a quarter years after the signature of the Peace Agreement, the Maya population was bearing the full brunt of the economic crisis, as the representative of the United Nations Children's Fund (UNICEF) had recently noted. Indigenous peoples everywhere were abandoned to their fate.

80. In view of that situation, he wondered when the Commission's members intended to adopt the draft declaration on the rights of indigenous peoples; for how long it would be maintained that words such as "peoples", "territories" and "collective rights" should not appear in the draft: and when the permanent forum for indigenous people would be established. He asked the States members of the Commission to demonstrate political will and adopt without delay the draft declaration as currently worded. He also called for establishment of the permanent forum on the lines proposed by the Working Group on Indigenous Populations in the document submitted for that purpose to the chairman/rapporteur of the relevant working group. Lastly, he and the association he represented supported the draft resolution aimed at appointing a special rapporteur on the situation regarding the rights of indigenous peoples.

81. Mr. Rodriguez Cedeño (Venezuela) Vice-Chairman, took the Chair.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/2000/L.13/Rev.1)

Draft resolution on racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2000/L.13/Rev.1)

82. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the African Group, said, it was the outcome of very broad and intensive consultations. The balanced text was closer to the Commission's objectives than the first draft had been. He read out the paragraphs that had been revised, and recommended that the Commission adopt the draft resolution by consensus.

83. Mrs. IZE-CHARRIN (Secretary of the Commission) announced that the following States had become sponsors of the draft resolution: Australia, Austria, Belgium, Canada, China, Costa Rica, Cuba, Czech Republic, Denmark, El Salvador, Finland, France, Germany, Iceland, India, Israel, Luxembourg, Mongolia, Netherlands, New Zealand, Norway, Pakistan, Portugal, Spain, Sweden, Turkey and the United Kingdom of Great Britain and Northern Ireland. She said that the administrative and financial implications of its adoption would be communicated to the members of the Commission as soon as the Secretariat had received them.

84. Mr. GRIBBIN (United States of America) thanked the Nigerian delegation and the African Group for the draft resolution on racism, with which his delegation had pleasure in associating itself. Some of the measures recommended in the draft resolution were being actively implemented in the United States, by the administration as well as by many groups and individuals combating racial discrimination and able to do so because their right to free expression was guaranteed by the Constitution. The United States, while strongly denouncing statements which promoted racial discrimination, was convinced that protection of freedom of expression was essential for the protection of other human rights.

85. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt the draft resolution without a vote.

86. It was so decided.

87. Draft resolution E/CN.4/2000/L.13/Rev.1 was adopted by consensus.

Statements made in exercise of the right of reply

88. Mr. AL-SHEIKH (Observer for Saudi Arabia) said that the observer for Switzerland, speaking on agenda item 17, had made some extremely serious accusations against his country. According to that speaker, Saudi Arabia condemned minors to death and carried out mass executions. Those accusations were utterly groundless. He called on the Swiss delegation to furnish proof of what it alleged. The laws in force in Saudi Arabia, and the Sharia, strictly forbade sentencing minors to capital punishment as well as mass executions. Saudi Arabia could not accept such accusations.

89. Mr. DUONG CHI DUNG (Observer for Viet Nam) said that the statement by the observer for Switzerland under agenda item 17, in which he had mentioned Viet Nam, was utterly irresponsible. According to that speaker, mass executions, including public executions, still took place in Viet Nam. That was absolutely untrue, and he would like to know the source of the Swiss delegation's supposed information. It seemed, in fact, to be no more than a word-for-word repetition of the allegations appearing in paragraph 7 of document E/CN.4/2000/NGO/107, emanating from an NGO called the International Federation of ACAT (Action of Christians for the Abolition of Torture).

90. Mr. AL-BALOUSHI (Observer for Oman) recalled that Oman had been accused, in the statement by the representative of Amnesty International, of having extended the application of capital punishment to criminal acts not punishable by death. His Government had already issued a reply on that subject. Omani youth was a prey to the scourge of drug trafficking; the purpose of applying capital punishment to those who took part in that traffic was to protect society as a whole. In his Government's view, the application of capital punishment was a response appropriate to an extremely grave threat.

91. Mr. VIGNY (Observer for Switzerland) explaining Switzerland's position with regard to Saudi Arabia, referred to a report by the Secretary-General, published in Vienna, on crime prevention and criminal justice. Saudi Arabia was one of the States mentioned in the report as not yet having abolished the death penalty for persons having committed crimes under the age of 18 years.

92. Mr. AL-SHEIKH (Observer for Saudi Arabia) pointed out to the observer for Switzerland that the report in question did not mention any specific execution. The Swiss delegation should either provide proof of its allegation or apologize to his country.

The meeting rose at 6.05 p.m.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.54
7 November 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 54th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 17 April 2000, at 6 p.m.

Chairperson: Mr. RODRÍGUEZ CEDEÑO (Venezuela)

CONTENTS

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS;

(b) HUMAN RIGHTS DEFENDERS;

(c) INFORMATION AND EDUCATION;

(d) SCIENCE AND ENVIRONMENT (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-15674 (E)

CONTENTS (continued)

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:

(a) TREATY BODIES;

(b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS;

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

The meeting was called to order at 6.05 p.m.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS;

(b) HUMAN RIGHTS DEFENDERS;

(c) INFORMATION AND EDUCATION;

(d) SCIENCE AND ENVIRONMENT

(agenda item 17) (continued) (E/CN.4/2000/89-96, 97 and Add.1, 121 and 145; E/CN.4/2000/NGO/7, 17, 23, 97, 107, 110, 121, 130-132, 134, 135 and 144; E/CN.4/1999/112 and Add.1; E/CN.4/Sub.2/1999/28 and Corr.1; E/CN.4/1998/84 and Add.1; E/CN.4/1997/105)

1. Mr. SALAMANDO (International Indian Treaty Council) said that the growing use of persistent organic pollutants was increasingly poisoning the Earth. Some toxins could travel long distances in air and water and accumulate in high concentrations thousands of kilometres from the place of original release. They could seriously affect humans, causing many types of ailment and disability. Indigenous peoples were chiefly affected, since their primary means of subsistence included hunting, fishing and gathering, and they were thus exposed to much greater concentration levels. Moreover, commercial pesticides banned in northern industrialized countries were still being used elsewhere. In some regions indigenous peoples were also exposed to leakages from abandoned defence facilities.

2. Such exposure violated indigenous peoples' fundamental human rights, including the provisions of article 1 to both International Covenants, to the effect that in no case might a people be deprived of its means of subsistence; it also violated article 24 of the Convention on the Rights of the Child, which referred to the dangers and risks of environmental pollution.

3. The current concept of risk assessment employed by industry and Governments disregarded human rights. His organization and the Indigenous Environmental Network therefore supported the steps taken by the United Nations Environment Programme with a view to a legally binding instrument for international action against the use of certain pollutants, and called upon the Commission to continue the mandate of the Special Rapporteur on toxic waste.

4. Mr. OWONA (International Young Catholic Students) said that, despite the desire for a culture of peace, human rights continued to be violated every day. Certain Powers sent armed groups to destabilize other countries; extremism was gaining ground where democracy once reigned; material inciting racial and religious intolerance was to be found on the Internet; the illegal acquisition and use of small arms and light weapons proliferated; and recent events in Kosovo and Chechnya exemplified the continuing toll of warfare. It was high time the international community showed the courage and determination to stand up for the equitable implementation of human rights everywhere. Sadly, five years after the launching of the United Nations Decade for Human Rights Education, no country was free from human rights violations.

5. To implement the recommendations contained in the Secretary-General's reports would require not only a solution to current human rights problems but the establishment of firm foundations for a true culture of peace and respect for human rights everywhere. The Commission was urged to draw the international community's attention to the urgent need to improve international cooperation in human rights education, at the national level as well as through United Nations bodies. It should also make its anniversary an opportunity to promote the establishment of a true culture of peace in the world.

6. Mr. ÖZDEN (Centre Europe-Tiers Monde) said that impunity violated the right to justice, truth, memory and reparation. Unfortunately, the Secretary-General's report (E/CN.4/2000/91) did not fully reflect the concerns voiced by his organization and the American Association of Jurists. The rights set forth in the International Covenant on Economic, Social and Cultural Rights formed an indivisible whole, which was more than the sum of the parts and implied notions such as liberty and dignity. In order to ensure better use of available resources and to end violations of those rights, the time had come to undertake an overdue reform of international financial institutions.

7. His organization encouraged promotion of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34). It felt that the issue of violations of economic, social and cultural rights should be considered for possible inclusion in the mandate of the International Criminal Court; it also supported the Canadian proposal regarding the appointment by the Commission, at its fifty-seventh session, of an independent expert to study the question of impunity and its effect on human rights violations.

8. Mr. RAJKUMAR (Pax Romana) said that the Secretary-General had noted, in the Millennium Survey, widespread dissatisfaction with the level of respect for human rights, although most people around the world considered the protection of human rights to be the United Nations most important task. Support for efforts to defend human rights, including the response to General Assembly resolution 53/144, had been lukewarm; as the High Commissioner for Human Rights had said, there was a compelling need to take further measures to protect human rights defenders, and the human rights community looked to the Commission to adopt practical measures to implement the declaration adopted in that resolution.

9. Human rights defenders were exposed to violence everywhere, particularly by the State, supposedly the protector and promoter of human rights. A recent survey had shown that, in most countries, NGO defenders of human rights operated within an extremely fragile legal framework, subject, even in supposed democracies, to highly questionable restrictive government powers and to all forms of violence, frequently perpetrated with impunity. Pax Romana therefore requested the Commission to appoint a special rapporteur on human rights defenders and to urge member States, through its advisory and technical services, to take steps that would demonstrate their respect for the aforesaid declaration and provide adequate protection for human rights defenders.

10. Ms. MALLET (Soka Gakkai International) said that the focus of human rights education should be on the school system, especially at primary and secondary levels. But a United Nations document had revealed that few Governments provided facilities, including teacher training, for that purpose; at a recent subregional workshop organized by the Office of

the High Commissioner for Human Rights for countries of the Asia-Pacific region, it had been shown that human rights were not systematically covered in existing curricula, being generally integrated into other studies rather than constituting a separate subject.

11. It would be useful, therefore, to organize intergovernmental forums in order to exchange information on ways of promoting human rights education in schools. It was highly important, in any case, to provide additional human and financial resources for the United Nations human rights education programme, which should be continued even beyond the Decade for Human Rights Education. At the national level, the United Nations guidelines for national plans of action for human rights education offered a strategy, while the Universal Declaration of Human Rights provided the content, for developing human rights education in schools.

12. Mr. LITTMAN (Association for World Education) said that the Slavery Convention had defined slavery as the status or condition of a person over whom any or all of the powers attached to the right of ownership were exercised - a definition reiterated in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Ironically, however, the definition was being avoided in approaches to current problems, in which the misleading term "abducted person" was increasingly used - for example, in relation to the situation in the Sudan, where the "abduction" of African women and children was but a prelude to their martyrdom.

13. His organization urgently called on the Commission, before the forthcoming vote on the Sudan, not to shrink from revealing slavery and the slave trade for what they really were. In particular, the Supplementary Convention, which Sudan itself had signed and ratified, allowed no different interpretation of the issue. He appealed to the Sudanese authorities to allow the tens of thousands currently enslaved in the north to return to their homeland in the south.

14. Mr. OSMAN YASSIN (Sudan), speaking on a point of order, said that the previous speaker had exceeded the time limit allowed for statements.

15. Mr. JULIA (France Libertés) drew the Commission's attention to the violence committed against human rights defenders in Sri Lanka and recalled, in particular, the assassination of Mr. Ponnambalam. The latter had defended many Tamils charged under the Prevention of Terrorism Act and had reported many serious cases of human rights violations; he had also been harassed by officials at the airport when leaving Sri Lanka to attend the Commission's fifty-third session. Despite reports about the assassination, no serious investigation had been undertaken, and Mr. Ponnambalam's family had denied statements that the killers had been identified. The Commission was requested to call on the Sri Lankan Government to set up an independent inquiry into the assassination.

16. His organization was also concerned about States' recourse to general reservations when ratifying international human rights instruments, which seriously eroded their value and application. Since those instruments were based on universally accepted obligations rather than simple reciprocity, the Vienna Convention provisions were not really adequate, and specific guidelines were needed with regard to reservations. One approach would be for treaty

depositories to enter into dialogue with signatory States with a view to discouraging the latter from making general reservations. He requested the Commission to set up a working group to consider specific guidelines in that regard.

17. Mr. SAINI (International Institute for Peace) voiced concern about the situation of human rights defenders in Pakistan. There had been no basis, legal or otherwise, for the military coup of October 1999 led by General Parvez Musharraf. The country's largest political party, forced into opposition, was courageously supported by many activists, especially women, in defence of civil rights, but looked to the international community for support in its struggle against a brutal, repressive military regime, which intimidated the judiciary and the media and restricted democratic expression. In particular, the world community could not afford to delay in addressing the fate of those incarcerated as a result of the recent coup d'état. Speedy action, with courage and conscience, would benefit not only the people of Pakistan but south Asia as a whole, and would send a clear signal around the world that democracy was the best arbiter of civil and political freedoms.

18. Ms. GANHDI (World Federation of Trade Unions) said that the report of the Human Rights Commission of Pakistan revealed that many of the problems afflicting that country stemmed from a policy and ideology which allowed no place for democratic norms or differing opinions. The promotion of human rights depended on general awareness, stemming from education and communication. But Pakistan suffered the impact of fundamentalist groups opposed to democracy, equality and religious freedom. High defence budgets, too, used up resources that ought to be devoted to education; according to a report by the Human Rights Commission of Pakistan, the country's education budget amounted to 1.6 per cent of GDP, compared to 11.2 per cent in Bangladesh and 10.7 per cent in Bhutan. Even India, which had a far larger resource base than Pakistan, spent 2.6 per cent of GDP on education. As a result, the field was open, in Pakistan, to religious institutions, whose teaching included arms training but denigrated scientific inquiry and modernization.

19. A State policy based on religious or racial exclusivity created institutionalized discrimination. The Commission and the world community should institute a programme of action to identify States that exercised such exclusivity and withhold resources from them until their policies were brought into line with the true preservation and promotion of human rights.

20. Mr. LAVASSANI (African Commission of Health and Human Rights Promoters) said that the Muslim Home for Human Rights, a partner of his organization, had always stressed the promotion of human rights through information and education. The Plan of Action of the United Nations Decade for Human Rights Education was essential in that regard, and the work of the Office of the High Commissioner and UNESCO, together with that of national and international NGOs, was welcome. Much remained to be done to close the wide gap between rich and poor in a world in which 25 per cent of the inhabitants lacked access to drinking water, 20 per cent were homeless and 15 per cent lacked the most basic health services. It was a paradox that in Africa, which contained some of the world's greatest natural wealth, there should be such overwhelming poverty; until the root causes of the latter were dealt with, there could be no true culture of peace.

21. At the recent Europe-African Conference in Cairo, a number of creditor countries had generously written off, in part or in full, African debts amounting to $350 billion. But a further exponential rise in indebtedness might well occur unless the political decision-takers and those who wielded the economic levers recognized the importance of solidarity, including the transfer of appropriate and well-managed technology in a spirit of solidarity. In that regard, the memorandum on coordination addressed by African human rights NGOs to the High Commissioner could serve as a valuable instrument.

22. Mr. KHAN (Association pour la Promotion de l'Emploi et du Logement) drew attention to the situation in Jammu and Kashmir, where human rights violations and difficulties faced by human rights activists were being reported. In the part of Kashmir controlled by Pakistan, civil and political rights remained suppressed and the region had been effectively reduced to colonial status. Demonstrations in Gilgit and Baltistan against Pakistan's arbitrary annexation of the area had been subjected to repression, and a number of human rights defenders had been arrested and kidnapped by State forces. The Chairman of the United Kashmir People's National Party had been illegally detained for over eight months, and other prominent human rights defenders had faced repression from the Pakistani authorities, in violation of the right to peaceful protest recognized by democratic Governments and the United Nations. He appealed to the Commission to persuade the Government of Pakistan to recognize the civil and political rights of the people in that part of Kashmir under its control and to protect the lives of human rights defenders working there.

23. Dr. GENEFKE (International Rehabilitation Council for Torture Victims) said that the protection of health professionals as human rights defenders was of particular concern, since the impartiality required of them under their code of ethics often made them the victims of criminal charges. In Turkey, Professor Veli Lök and Dr. Zeki Uzun, both well known and respected in their fields, had been questionably brought to trial because they treated torture victims regardless of their political beliefs and because of their ability to provide objective medical evidence relating to allegations of torture. Their case further highlighted the need for a special rapporteur on human rights defenders. The right of doctors to provide humanitarian treatment to all objectively should be universally upheld.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

(a) TREATY BODIES

(b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

(agenda item 18) (E/CN.4/2000/5, 98 and Add.1, 99-100, 102-104, 106 and 124; E/CN.4/2000/NGO/1, 24, 48, 84 and 133; A/54/336; E/CN.4/1998/85 and Add.1; E/CN.4/1997/74)

24. Mr. LIU Xinsheng (China) said that, since 1982, the countries of the Asia-Pacific region had held eight workshops on regional arrangements on cooperation to promote human rights

through international cooperation, based on mutual understanding and respect. China had consistently supported and actively participated in such cooperation; earlier that year it had hosted, in Beijing, the eighth such workshop, at which discussions had also related to the regional preparatory meeting for the forthcoming World Conference Against Racism. Over 40 of the region's countries had attended the event, which had provided a successful exchange of experience and a basis for further cooperation, highlighting once again the value of exchanges based not on confrontation but on equality and mutual respect.

25. The Asia-Pacific region, the world's most populous, contained a great variety of cultures, religions and traditions, with markedly different levels of economic and social development. Those factors, as had been noted during the workshop, had to be taken fully into account when establishing a regional human rights mechanism - a task to be approached gradually, pragmatically and systematically, through full consultations. China believed that the current active cooperation and strengthened exchanges constituted a correct step forward, and was prepared to take an even more active part in contributing to the cause of human rights within the region.

26. Mr. REYES RODRÍGUEZ (Cuba) reviewed the main points raised by his Government in its reply, pursuant to Commission resolution 1998/27, relating to enhancement of the long-term effectiveness of the United Nations human rights treaty system. The foremost need was for constructive, transparent dialogue with States parties as the only way to ensure the cooperation essential for effective implementation of international instruments. A clear system of equitable geographical distribution in membership of the treaty bodies was urgently required also. With regard to States parties' periodic reports, sources of information should be open to public scrutiny in order to prevent any political manipulation. And the work of the treaty bodies and certain Commission thematic proceedings, while some exchange of information and collaboration might be useful, should be carried out in strict observance of the respective mandates. In addition, the recourse to so-called emergency procedures, which could be abused for political ends, should be discontinued. The interval for the submission of periodic reports should be extended beyond the current four-year period, so as to alleviate the current burden on States parties and the treaty bodies themselves.

27. To establish a "rights-based approach" in the work of United Nations agencies, funds and programmes would require special attention because of the recognized imbalance among the notions of development, democracy and human rights; on the other hand, a "development-based approach" would help to promote the aims recognized in various United Nations conferences held during the 1990s. In that regard, the International Covenant on Economic, Social and Cultural Rights recognized the need for international cooperation with the developing countries; and the developed nations, in the Copenhagen Declaration on Social Development and Programme of Action, had reiterated their aim of allocating 0.7 per cent of their GDP to official development assistance. The Commission on Economic, Social and Cultural Rights could monitor that undertaking.

28. But the lack of progress towards greater efficiency in the work of the treaty bodies remained a matter for concern, despite the recommendations by the Vienna Conference and those contained in the Secretary-General's request to the Office of the High Commissioner (A/52/950). Cuba had followed with interest the work begun on the basis of Mr. Alston's

proposals, but was concerned at the apparent change of emphasis. It therefore called for transparency and the full participation of all those concerned, in particular States parties, in any efforts to enhance the work of the treaty bodies.

29. Since the Office of the High Commissioner was the body primarily responsible for ensuring that the work of the various human rights bodies was carried out, the question of the geographical composition and neutrality of its staff was of the highest importance. The situation remained unsatisfactory, however. The Group of Western European and other States had more staff assigned to the office than the rest of the world put together. Worse still, the developed countries made personnel available to the office at no cost, thus putting them at an advantage with regard to future vacancies. At the current session Cuba would be cosponsoring a draft resolution recommending the creation of a task force to consider matters such as recruitment and prior training, with a view to the occupation of more posts by staff from developing countries.

30. Mr. DESPOUY (Argentina) agreed with the previous speaker about the need for a more equitable geographical distribution of posts in the Office of the High Commissioner. His delegation welcomed the report on the meeting, held in May and June 1999, of rapporteurs, representatives and chairpersons of working groups; a true harmonization of tasks among such bodies, and between them and regional entities, would greatly enhance the effectiveness of human rights machinery.

31. Programmes of cooperation carried out by the Office of the High Commissioner with national institutions, such as those of his own country, were of great benefit. The Argentine Government was currently drawing up, in consultation with the Office, an ambitious programme to strengthen national human rights institutions, in which task non-governmental organizations would be able to provide valuable inputs.

32. During the Security Council's discussion, the previous February, of the security of United Nations personnel, Argentina, which had currently held the Presidency of the Council at the time, had itself stressed the need to enhance the security of United Nations staff and of other personnel associated with their humanitarian tasks at local levels. Argentina made a significant contribution, including troops, to peacekeeping operations and had carried out important humanitarian work through the creation of the "white helmets" - an Argentine initiative. More had to be done to resolve the difficulties faced in that regard, which stemmed not from a lack of international agreement but from the highly difficult situations in which such personnel had to work.

33. Mr. HILL (Observer for New Zealand) said that the problems relating to the human rights treaty bodies had been outlined elsewhere, notably in the report tabled in 1997 by Mr. Alston, an independent expert. Two key problems should be addressed as a matter of priority: the delayed submission, or non-submission, of States parties' periodic reports; and the lengthy backlog in considering those reports and individual communications. His delegation saw five broad areas in which early remedies were possible.

34. Firstly, efforts should be made to reduce the reporting burden, making reports shorter and concentrating on matters identified by the treaty bodies themselves. Secondly, the latter should strive to improve the efficiency of their working methods, by measures such as more extensive

use of pre-sessional working groups as well as harmonized rules of procedure. Thirdly, the increasing workload they undoubtedly faced made it vital for them to have requisite resources and administrative support, funded from the regular budget and voluntary contributions; his delegation strongly supported the priority the High Commissioner attached to that matter. The fourth need was to provide more technical help for States parties to comply with their reporting obligations. Fifthly, the treaty bodies should cooperate more among themselves and with other parts of the United Nations system, making greater use of the meetings of persons chairing treaty bodies, so as to share information, identify overlaps and even develop joint general comments.

35. The member delegations of Canada, Chile and Norway and the observer delegation of Australia had associated themselves with his statement.

36. Ms. KUÇURADI (Observer for Turkey) said that human rights institutions in Turkey consisted of four categories: research centres, government institutions, NGOs and entities on the borderline between the last two.

37. In 1991 the Grand National Assembly had established a human rights inquiry commission, which dealt with claims of violations relating to the police and prison service as well as those relating to events in neighbouring countries. In addition, a national advisory council for human rights, consisting of independent personalities, had been established by a decree of the Prime Minister; it had prepared a number of reports and, following one of its recommendations, two human rights courses had been introduced in schools in 1995. In 1996, the council had been superseded by a high coordination board for human rights, chaired by the State minister responsible for human rights; the Board had drafted a number of legislative changes for better protection of human rights, and in 1998 had established the National Committee on the Decade for Human Rights Education.

38. Many NGOs carried out human rights work in Turkey; they included organizations such as Amnesty International and the Helsinki Citizens Assembly. The Bar and Medical Associations, too, had human rights committees. The NGOs whose work directly related to human rights included the Human Rights Association, the Human Rights Foundation of Turkey and the Islamic Association of Human Rights. In addition, a further human rights foundation had been established in 1999 to publish human rights research for the general public. Turkey recognized that the protection of human rights was the common goal of all.

39. Ms. BOYKO (Observer for Ukraine) said that her country's submission of periodic reports to the various treaty bodies testified to the importance it attached to the reporting procedure. The treaty bodies themselves, through no fault of their own, faced growing delays in considering the reports submitted, and her delegation therefore appreciated the steps taken by the Secretary-General and the High Commissioner to enhance the long-term effectiveness of the treaty system. It welcomed the recommendations and comments contained in documents E/CN.4/2000/5 and E/CN.4/2000/98. Close cooperation between the treaty bodies and the special procedures was essential, and the first joint meeting of persons chairing treaty bodies and special rapporteurs, experts and working group chairpersons was welcome.

40. Ukraine had co-sponsored resolutions relating to the security of United Nations personnel; but it objected to the use, by some special rapporteurs, of out-of-date or unsupported

information - for example, in the report to the General Assembly of the Special Rapporteur on mercenaries (A/54/326) or that of the Special Rapporteur on religious intolerance (A/54/386), which contained unfounded accusations about Ukraine nationals serving as mercenaries and about religious intolerance in Ukraine. Her country was always ready discuss matters with special rapporteurs provided that facts and firm proofs could be shown.

41. The effective functioning of human rights mechanisms was closely related to the issue of reforming the Commission, to be discussed under agenda item 20. In that regard, her delegation supported certain proposals by the working group relating, in particular, to rationalizing existing mandates, urgent responses and the work of the Sub-Commission. It would also welcome a more comprehensive approach to the matter of procedures under Council resolution 1503 (XLVIII), as well as measures to avoid extreme politicization of human rights issues.

42. Mr. GOLEDZINOWSKI (Observer for Australia) said that independent, pluralistic national human rights institutions were one of the most effective mechanisms for upholding citizens' rights; Australia welcomed their growing establishment in many countries and valued their participation in the work of the Commission and its subsidiary bodies. The High Commissioner had rightly reiterated, at the opening of the session, that primary responsibility for upholding human rights rested with governments; and the latter were increasingly recognizing the value of national institutions for the tasks involved. Interaction between those institutions at bilateral, subregional, regional and global levels was becoming ever more important. The General Assembly, in resolution 48/134, had recognized that such institutions, in order to be fully effective, should be independent, adequately resourced, established by law and empowered to investigate human rights violations. In that regard, Australia commended the recent work of the International Coordinating Committee of National Institutions in promoting and assessing conformity with the principles enounced in that resolution, known as the Paris Principles, as well as the work of the High Commissioner's Office in supporting the establishment and development of such institutions. The work of the Asia-Pacific Forum of National Human Rights Institutions provided an impressive record of regional cooperation.

43. Mr. OBERLEITNER (Observer for Austria) said that universal ratification of at least the six core United Nations human rights treaties was the strongest foundation for the universal protection and promotion of human rights and should remain a top priority. The growing number of unacceptable reservations, however, ran counter to the spirit of such instruments; Austria, as a State party to the various instruments, would continue to object to such reservations. Full implementation of human rights depended, however, not solely on treaty ratification but also on adoption of appropriate provisions in domestic legislation and cooperation with the relevant treaty supervisory bodies.

44. The latter's effective functioning was essential to implementation of human rights instruments. Austria remained concerned about the growing problems in maintaining the reporting system and the individual complaints procedure, and welcomed steps to strengthen the mechanisms, in particular in the light of reports and recommendations stemming from the meetings of persons chairing human rights treaty bodies. Although some immediate measures had been identified, a long-term structural reform of the treaty body system was overdue.

Governments should participate in that task, as well as all United Nations agencies within their respective mandates, and greater coordination should be ensured between the treaty bodies themselves and the Commission's special procedures.

45. Mr. RAJA NUSHIRWAN (Observer for Malaysia) said that his Government, recognizing the worth of credible institutions to protect human rights, had decided, in 1999, to establish a National Commission on Human Rights, chaired by Mr. Musa Hitam, well known to the United Nations Commission, whose 1995 session he had chaired. The National Commission's membership had received broad public support, and its statutory powers enabled it, inter alia, to look into any alleged human rights infringement, visit places of detention, issue public statements, make recommendations to the Government about accession to international instruments and promote public education on human rights. Malaysia also participated actively in the work of the Asia and Pacific region, and commended the Chinese Government for hosting the eighth workshop on regional cooperation. The results already achieved in the four priority areas identified at the 1998 Tehran Workshop, which had adopted the Framework for Regional Technical Cooperation, was something of which all the participating countries could be proud. While Malaysia encouraged the establishment of national human rights institutions, however, it believed that countries that did not have them should not on that account be stigmatized for a lack of commitment to human rights. The human rights project should embrace all shades of opinion.

46. Mr. DANENOV (Observer for Kazakhstan) said that an important feature of his country's domestic policy was the establishment, on a legal basis, of national human rights institutes. In that regard, the Constitution's relevant provisions fully complied with international human rights legislation. With a view to an improved monitoring system, a human rights commission had been established in 1994, under the auspices of the Office of the President of the Republic. Over the five years of its activity, it had harmonized procedures with other institutions, the courts, the Office of the Procurator and the militia, and citizens themselves had become accustomed to availing themselves of its services. Its increasingly professional approach and experience had fostered improvements in dealing with cases, respect for court decisions and reform of State human rights policy. In that regard, the Government and the commission were grateful for the financial assistance provided by UNDP in helping the commission to become a viable, self-sufficient institution.

47. In 1998 the Kazakhstan Government had signed a Memorandum of Mutual Understanding with the Organization for Security and Cooperation in Europe, relating to a programme of technical assistance for the establishment of an ombudsman; and in 1999 Kazakhstan with assistance from the Office of the United Nations High Commissioner and UNDP, had initiated, the holding of the fifth international seminar on the office of ombudsman and the development of human rights protection institutes in Eastern Europe and the CIS. Over 25 countries had been represented and had issued a joint statement stressing the responsibility of State and Government for the protection of human rights in accordance with basic international principles and standards.

48. Mr. LITTMAN (Association for World Education) referred to the statement contained in document E/CN.4/2000/NGO/1 relating to the need to consider how the Commission could interact better with the representatives of armed movements involved in intra-State conflicts; he

thanked all those, including such representatives, who had commented on the document and associated texts. He was aware that consensus was lacking on how to proceed, and there was some opposition to the idea of allowing armed movements to achieve negotiation status through violence - although precedents did exist. It had also been suggested that special representatives of the Secretary-General staff of the High Commissioner and NGOs, could play a more important role than hitherto in the mediation of armed conflicts. His organization appreciating the need to build upon solid governmental consensus, was pleased that many Government representatives took the issue seriously. Since, however, such conflicts were growing in number and intensity, a lead should be taken in seeking new ways of dealing with them.

49. His organization therefore proposed three steps. Firstly, the value and effectiveness of non-violent methods to oppose repression and safeguard dignity should be promoted. Secondly, Governments and NGOs should firmly pursue efforts to set out fundamental standards of humanity and see that they were understood by all actors in armed conflicts. Thirdly, the agents in intra-State armed conflict, and the nature of armed leadership, should be analysed and understood, and the agents working for peace and compromise identified. For that purpose, capacity in the Office of the High Commissioner for country-specific intelligence should be increased and cooperation enhanced within the United Nations system by field workers of programmes and specialized agencies. In addition, there should be timelier exchange of information and analysis in order to tackle intra-State conflicts in their early stages.

50. Ms. AYE HLA PHYU (Asian Legal Resource Centre) said that Asian countries had been promising, for some time, to establish national human rights commissions, and some had already done so. Even where they had been established, however, problems of effectiveness persisted. In India, the National Human Rights Commission had no power to take binding decisions. Despite the many complaints it received, the commission's investigative option was very rarely exercised, and it was forced to rely on the machinery of the very state governments against which most complaints were made. In Sri Lanka, the National Human Rights Commission's record was characterized by the same bureaucratic methods and delays that such an institution was supposed to challenge. It handled complaints of torture through private discussions instead of the type of open inquiry it was empowered to conduct. The national commission itself, therefore, was largely responsible for the lack of public confidence it inspired; given the difficult and dangerous situation in the country, its performance could be considered appalling.

51. Mr. SUHAS CHAKMA (South Asia Human Rights Documentation Centre) said that national human rights institutions in the Asia-Pacific region had manifestly failed, and NGOs and the public had little enthusiasm for them. In India, with a population of 1 billion, a commission with a staff of barely more than 250 was woefully inadequate. It had done little to deal with the workload of pending complaints, which reportedly numbered about 80,000. It had, however, made a welcome petition, keenly followed by NGOs, to the Supreme Court about the prosecution of border security personnel responsible for killings in Kashmir. But it had not implemented the Supreme Court's directions, beyond appointing a special rapporteur, in the case of the statelessness of the Chakmas and Hajongs of Arunachal Pradesh.

52. In the Philippines, the National Human Rights Commission had investigated some extrajudicial killings reportedly perpetrated by armed opposition groups but had failed to investigate other such executions reportedly committed by government forces. In Australia, the

Government had made substantial cuts in the budget of the Human Rights and Equal Opportunity Commission. In Sri Lanka, the national commission suffered, inter alia, from a restrictive mandate, which prevented it from initiating action or from insisting, for example, on the requirement that security forces should notify it within 48 hours of any arrests. In Indonesia, the national commission had made commendable efforts to deal with the difficult problems there; it was hoped that it would soon become a statutory member of the Commission. In Nepal, although a human rights commission act had been passed in 1996, the Government had not yet formed the commission, despite a Supreme Court directive in 1999 to appoint the membership. In Bangladesh, legislation on human rights institutions had still not been brought before Parliament, over a year after a draft bill had been announced - although the Government had meanwhile brought out a draconian public safety act.

53. According to the Human Rights Commission of Malaysia Bill, 1999, human rights referred to fundamental liberties as enshrined in the Federal Constitution. But a restrictive definition of human rights, in which the provisions of a federal constitution prevailed over those of the Universal Declaration, and selection by the Prime Minister of the membership of the national commission, did not make the latter a credible institution. Given such situations, NGOs were carefully monitoring the establishment of human rights institutions in Thailand and Pakistan.

54. Mr. WALDEN (Consultative Council of Jewish Organizations), speaking also on behalf of the World Jewish Congress, the Association of Jewish Lawyers and Jurists, the International Council of Jewish Women, the Coordinating Board of Jewish Organizations and the World Union of Progressive Judaism, drew attention to two issues. The first related, surprisingly, to Canada, a country rightly regarded as upholding the highest human rights standards. The reply to a complaint that the province of Ontario granted public funding to Catholic schools but not to those of other dominations, had been that the provincial government had refused to provide a remedy pursuant to article 26 of the International Covenant on Civil and Political Rights, the Federal Government reportedly being empowered only to ask it to do so. Canada's treaty obligations, however, were surely binding on the provinces no less than on the federal government, as provided by article 50 of the Covenant. The Canadian authorities should heed the finding of the Human Rights Committee, namely that article 26 had been violated, and the terms of General Assembly resolution 54/157, which emphasized the strictest compliance by States parties with their obligations under the Covenant. Canada's failure to comply with the Committee's findings could establish an unfortunate precedent.

55. The second issue, noted by the Commission's Special Representative on the situation of human rights in the Islamic Republic of Iran, related to 13 members of the Jewish community in that country charged with espionage, denied access to a lawyer of their choice and detained for at least 10 months without trial. The Special Representative had requested assurances that the accused would be accorded their rights under international human rights norms but had received no reply. Although the trial had commenced, it was being held behind closed doors and the accused had been forbidden either to choose their own lawyers or to conduct their own defence. The organizations he represented therefore called on the Iranian authorities to conduct the proceedings in open court, with observers present.

56. Ms. PEROUT (Canadian Human Rights Foundation) said that her organization helped in preparing special educational programmes to support the development of independent national human rights institutions, working at national and regional levels. It had hitherto focused on Asian countries but expected to carry out similar work in Africa and the Commonwealth of Independent States.

57. Her Foundation congratulated the High Commissioner and the Special Adviser on national institutions for encouraging member States to establish and develop such bodies. The latter, in order to be effective, needed a broad mandate and a substantial degree of independence, as well as adequate powers and resources. They should be accessible to victims, accountable to the public and State authorities alike, and committed to collaboration with civil society and NGOs. They also required energetic leadership in the face of any resistance. Pluralist membership was essential, particularly women's participation. The international community should be wary of any government attempts to set up institutions failing to meet those minimum criteria. Such institutions should also be ready to avail themselves of NGOs' often invaluable experience.

58. Ms. STOTHARD (Aliran Kesedaran Negara - National Consciousness Movement) said that basic access by human rights defenders and other sectors of civil society to regional and government structures in South-East Asia had generally been extremely limited and, in some countries, the establishment of national human rights commissions had been cynically aimed at containing human rights concerns and perhaps even justifying violations. In Malaysia, it was ironic that more than 50 people had been arrested during a brutal crackdown at the very time the establishment of a national human rights commission had been announced. There were serious concerns about the commission's effectiveness; the recent crackdown, for example, had elicited no response at all from its head, while national bodies such as the judiciary and the Elections Commission had become notorious for lack of independence.

59. The ASEAN pattern of a wrong approach where human rights were concerned was being repeated in Myanmar, where the notorious regime planned to set up a human rights commission with the help of the Australian Government; but neither government should be contemplating such a move without a prior commitment to human rights and to instruments such as the international covenants.

60. Mr. WARNER (Pax Christi International) speaking with the support of the Association for the Prevention of Torture, Franciscans International, Dominicans for Justice and Peace, the Global Justice Center, the Brazilian National Human Rights Movement, FASE and the CPT said that many Governments acted as though the ratification of human rights treaties was itself enough to protect human rights. As a result, many periodic reports under the six core treaties were long overdue, and many countries further failed to cooperate with special rapporteurs, representatives and working groups.

61. Brazil, for example, although it had ratified all six core treaties, had failed to recognize the right of individual petition afforded under several of them. Secondly, the Special Rapporteur on questions of torture had received no invitation to visit that country, despite repeated requests and mounting evidence of routine torture there. Thirdly, Brazil had failed to submit 15 required reports, some of which were long overdue; and its internal policy neglected economic, social and

cultural rights. A group of Brazilian NGOs had therefore decided to visit Geneva to seek help in urging the Government to comply with its obligations. Pax Christi International called on Brazil and other non-complying States to comply fully with the obligations assumed under international human rights treaties.

62. Mr. SALAMANDO (International Indian Treaty Council) said that his organization continued to receive information about infringements of their rights of Colombia's indigenous peoples, including intimidation by the military during attempts at peaceful demonstration against violations of their territorial rights, particularly by the Government and transnational corporations in the development of hydroelectric schemes and other projects involving forced population displacements. Although the Government asserted that all such measures had taken place only after due consultation, it was clear that Colombia failed to respect ILO Convention 169, to which it was a signatory, which required that consultations should be held in good faith and lead to freely given consent to any proposals. Even if the consultations reported to the Commission by Colombia conformed to domestic legislation, the events reported, including demonstrations of opposition supported by the country's indigenous movements, clearly showed that the provisions of relevant international treaties were being contravened. Human rights mechanisms could function effectively only if all States parties showed the political will to seek solutions which fully respected human rights obligations; otherwise the terms of human rights instruments would remain mere aspirations.

The meeting rose at 8.50 p.m.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.55
2 May 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.00-13168 (E)

The meeting was called to order at 10.25 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/2000/L.15, 16, 23, 25 and 27-30)

1. Mr. PARSHIKOV (Russian Federation), speaking on a point of order, called for urgent action to be taken against Mr. Akhyad Idigov who, although accredited to a non-governmental organization (NGO), persisted in styling himself the representative of the President of Chechnya. The previous day, that person had further flouted the Commission's rules of procedure by distributing in the hall a publication purporting to come from the Mission of the Chechen Republic of Ichkeria. He requested the Chairman to take steps to prevent such incidents in the future and to consider stripping Mr. Idigov of his NGO accreditation for the current session.

2. The CHAIRMAN reminded NGOs that any literature or press releases distributed in the hall or in pigeon-holes must always be approved by the Secretariat.

Draft resolution on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/2000/L.15)

3. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and other sponsors, regretted that a mission by the Special Rapporteur to the Democratic Republic of the Congo had not yet been possible. The draft resolution renewed the Special Rapporteur's mandate and again called for an international joint mission to investigate all the massacres carried out in the country.

4. He drew attention to a number of changes to the text. In the fourth preambular paragraph, the words following "Congo" should be replaced by the following: "by all parties in the conflict, including acts of and incitement to ethnic hatred and violence". At the end of paragraph 1 (d), the following words should be added: "and in particular, the adoption in December 1999, in concertation with non-governmental organizations of the National Action Plan on the Promotion and Protection of Human Rights".

5. Paragraph 1 (g) should read:

> "The release and repatriation carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo in conformity with international humanitarian law of persons at risk mainly of Tutsi origin and of prisoners of war and calls for the release of those still in detention;"

6. In paragraph 1 (k), the words "the former President of Botswana" should be inserted before "Sir Ketumile Masire". In paragraph 4 (d), the words "and grave breaches of international humanitarian law" should be inserted after the word "violations". Lastly, the final paragraph should be numbered 6, not 10.

7. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Canada, Chile, Czech Republic, Ecuador, France, Japan, Latvia, Romania, Spain and the United States of America and the observers for Australia, Austria, Cyprus, Estonia, Finland, Greece, Hungary, Israel, Lithuania, Slovakia, Slovenia, Switzerland and Turkey had become sponsors of the draft resolution.

8. Mr. ZIVKOVIČ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur for a further year and to carry out a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo. The costs of those activities were estimated at US$ 138,600. Provisions in respect of extending the mandate of the Special Rapporteur had been included in the Programme Budget for the current biennium 2000-2001. The resources required for the investigative mission, amounting to US$ 96,100, had not been included.

9. The draft resolution, as orally revised, was adopted.

10. Mr. NAESS (Norway) said that international human rights law established rights for individuals and a correlative obligation on the part of States. The issue of individual responsibility was therefore irrelevant in that context. Penal responsibility for individuals under international law was confined to specific international crimes, such as genocide, crimes against humanity and war crimes. Terminology implying individual responsibility for human rights violations might therefore undermine the protection of human rights by weakening the State's obligations.

11. Furthermore, the language used in paragraph 4 (j) was not consistent with the mandate of the International Criminal Tribunal for Rwanda.

12. Mr. FERNÁNDEZ PALACIOS (Cuba) noted that a detailed statement of the financial implications of the draft resolution had been provided. A similar statement relating to the draft resolution on the right to food (E/CN.4/2000/L.19) had been denied the Commission at its 52nd meeting owing to the illness of the official responsible. He asked when such a statement would be forthcoming.

Draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2000/L.16)

13. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and other sponsors, said that, while taking into account all noticeable improvements, the text expressed concern about continuing human rights violations in Iran. The Union was closely following the trial in Shiraz of 13 members of a religious minority. All trials should be conducted in conformity with international standards and follow due process of law, including openness and the right of defendants to choose their own defence counsel.

14. The Union was aware of the ongoing political process in Iran and shared expectations for an improved human rights situation. It was disappointed that it had not been possible to reach a consensus on the draft resolution, but hoped that an open and constructive dialogue would be possible in the future.

15. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representative of Latvia and the observers for Bulgaria, Israel, Slovenia and Switzerland had become sponsors of the draft resolution.

16. Mr. AKRAM (Pakistan), speaking on behalf of the Organization of the Islamic Conference (COIC), said that the draft resolution should be opposed because it was designed to serve the political objectives of a few countries rather than to promote human rights. Moreover, significant progress had been made in Iran, as acknowledged and appreciated worldwide. It should be encouraged by United Nations human rights bodies. Adoption of the draft resolution would be counterproductive. The way to promote human rights was through cooperation, not threats and coercion.

17. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that the draft resolution constituted an abuse of the United Nations human rights procedures. As his statements on agenda items 5 to 13 showed, steps had been taken, particularly in recent years, to provide a favourable environment for the full realization of human rights in Iran, including freedom of expression. Reforms had also been undertaken to promote and protect constitutional liberties, strengthen democratic norms and institutions, promote the culture of participation and tolerance, enhance the accountability of public officials and increase transparency. The President's efforts to uphold the rule of law and his insistence that everyone was equal before the law were recognized worldwide. The newly appointed head of the judiciary had introduced several measures to ensure the due process of law and reform the judiciary.

18. Since 1997, more opportunities had been provided for women's participation in social and political affairs and efforts had been made to mainstream women's concerns into the national planning process.

19. Under the Constitution, all Iranians could enjoy their human rights without discrimination. The arrest and current trial of 8 Muslims and 13 Jews was simply an example of the rule of law. Nothing had happened illegally and there was no cause for concern. The President had recently met representatives of religious minorities and assured them that the trial would be a fair one. All the suspects had lawyers of their own choice. He hoped that they would be acquitted.

20. His Government had made further efforts to ensure the protection and promotion of the human rights of all Iranian religious minorities. In 1999 the Council of Expediency had approved new regulations entitled "Rights of Citizens", which emphasized the equality of all citizens before the law.

21. Narcotic drug smuggling was an international issue and required an international response, but his Government's call for cooperation in combating the highly equipped smugglers had unfortunately not met with an appropriate response. The Government had made every effort

to comply with its obligations under the International Covenants on Human Rights by limiting the application of capital punishment to the most serious crimes. If the traditional sponsors of the draft resolution contributed to the campaign against the production of and trafficking in narcotic drugs, there would be a decrease in smuggling and a consequent sharp decline in death sentences.

22. The Commission's Special Representatives had visited his country several times. A visit by the current holder of the post had been on the Government's agenda for two years but, in the light of a clear absence of the political will on the part of the sponsors to facilitate the visit with a view to discontinuing the annual resolution, the scheduled visit had been postponed. The Special Representative was, nonetheless, welcome.

23. The Government and the people of Iran were truly committed to democracy and the full implementation of programmes relating to the protection and promotion of human rights and fundamental freedoms. The trend of developments in that direction was irreversible. Regardless of the Commission's decision on the draft resolution, his Government would continue its reform policies.

24. Lastly, he reiterated his delegation's readiness to cooperate with the European Union on terminating the process of submitting a draft resolution, which had dragged on for 17 years. It had invited the sponsors to engage in serious negotiations on the human rights situation in Iran, but there had been no response. There were serious doubts, therefore, about the sponsors' real intentions.

25. Mr. ZIVKOVIČ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Representative on the Islamic Republic of Iran for a further year. The costs of the extension were estimated at US$ 36,100 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

26. Mr. AKRAM (Pakistan) requested that voting on the draft resolution be deferred for a couple of hours.

27. Mr. MENDONÇA E MOURA (Portugal) said that his delegation was willing to accede to that request.

28. The CHAIRMAN suggested that the draft resolution should be considered at the following meeting.

29. It was so decided.

Draft resolution on the human rights situation in southern Lebanon and west Bakaa (E/CN.4/2000/L.23)

30. Mr. AL-THANI (Qatar) introduced the draft resolution on behalf of its sponsors, highlighting the main provisions.

31. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representative of Indonesia and the observer for Palestine had become sponsors of the draft resolution.

32. Mr. PELEG (Observer for Israel) said that the draft resolution demonstrated that the Commission lived in an ivory tower, detached from reality since it failed to reflect changes in evolving situations in its draft resolutions. Were it aware of the facts, it would not express "deep regret" at his country's alleged "failure to implement Security Council resolution 425 (1978)" (second preambular paragraph) or call upon it to "withdraw from Lebanese territories" (para. 2). The Commission was surely aware that his Government had informed the Secretary-General the previous day of its decision to withdraw its forces from Lebanon by July 2000, in full accordance with Security Council resolutions 425 (1978) and 426 (1978). The Government of Lebanon, instead of involving itself in futile propaganda exercises, should sit down to peace negotiations with Israel. The Commission, for its part, should "wake up" and reflect the true situation in the Middle East in its resolutions. He thus urged members to vote against the draft resolution, in the interests of peace between Israel and Lebanon.

33. Mr. NASR (Observer for Lebanon) said that the previous speaker had not spoken any sense. It was not true that the international community lived in an "ivory tower". The true situation was that, as a direct result of Israeli occupation, Lebanese civilians were being subjected to human rights violations on a daily basis. Security Council resolution 425 had been adopted in 1978 and, at long last, Israel was expressing a desire to implement it. The precise nature of the "withdrawal", however, was unclear. Experience had shown that the promises of the Israeli Government could not always be believed; actions would speak louder than words.

34. The draft resolution was quite to the point, since it referred to ongoing human rights violations. Only the previous day, the Israeli Supreme Court had ordered the release of certain Lebanese detainees, but the Government had insisted on keeping them incarcerated for bargaining purposes. Nor had the situation in southern Lebanon and west Bakaa changed. His delegation thus urged the Commission to vote in favour of the draft resolution.

35. Mr. ZIVKOVIČ (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

36. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

37. Chile, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zambia.

Against: United States of America.

Abstaining: Romania.

38. The draft resolution was adopted by 51 votes to 1, with 1 abstention.

Draft resolution on the situation of human rights in Iraq (E/CN.4/2000/L.25)

39. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and other sponsors, said that, since the newly appointed Special Rapporteur had not been in a position to present a full report on the situation in Iraq, the text was based on the report of the previous Special Rapporteur (A/54/466), covering the period from February to September 1999.

40. Despite the calls of the international community for the Government of Iraq to ensure human rights and fundamental freedoms for the Iraqi people, there had been no improvement in the situation. In that connection, he drew particular attention to the fifth preambular paragraph and to paragraphs 2 (a) and 3 (k). The draft resolution deplored the lack of cooperation of the Government with the previous Special Rapporteur and called upon it to invite the newly appointed Special Rapporteur to visit Iraq and accord him its full cooperation.

41. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Japan and Latvia and the observers for Israel, Malta and Slovakia had become sponsors of the draft resolution.

42. Mr. AL-DORI (Observer for Iraq) said that, according to both divine and international law, the rights to food and security were closely linked to the right to life. For 10 years, however, the monstrous embargo imposed by the United States and the United Kingdom had deprived the Iraqi people of the means necessary for a dignified life. Losses of human life continued, with United States and British air forces bombarding civilian targets - including agricultural and industrial installations - on a daily basis.

43. The draft resolution failed to reflect developments since 1991, including the growing opposition within the international community to the inhuman use of the economic embargo as a tool to impose political hegemony on States and to dismantle the social fabric of Iraq. The embargo had led to a mass genocide, and continued to cause the death of one child every minute.

44. The draft resolution was unbalanced, biased and politicized. Moreover, it was based on the reports of the former Special Rapporteur, who was a known tool of United States policy against Iraq. His delegation saw little point in reiterating its position on a text which was similar to that of the previous year. It had also already spoken of the dire humanitarian situation in Iraq and of the importance of providing a favourable environment for the full realization of human rights there.

45. If the drafters had been genuinely concerned about the humanitarian situation in Iraq, they would have referred openly to the impact of the embargo on both individual and collective human rights in the country, and to the enormous human and material losses caused by the

bombing. They would also have called for an international investigation into the use by the United States and United Kingdom of depleted uranium. The selectivity, double standards and politicization of human rights were clear to all. It was unfortunate that those were also the elements characterizing draft resolutions submitted against selected developing countries.

46. The text of the draft resolution even contradicted the reports of the Secretary-General on the situation, including his most recent (S/1999/1162), particularly with regard to the number of monitoring missions conducted in the country and the distribution of humanitarian supplies, which had been reported to be equitable.

47. As for the issue of missing Kuwaiti nationals, it should not be politicized for dubious ends. His Government was perfectly willing to cooperate with concerned States under the supervision of the International Committee of the Red Cross (ICRC), without any "foreign interference". The 1,150 cases of missing Iraqis were also, however, a matter of concern. His delegation called upon the Commission to vote against the draft resolution and thus work towards a cessation of the inhuman embargo against Iraq.

48. Mr. RAZZOOQI (Observer for Kuwait) said that the draft resolution did not exist in a vacuum; it was in response to the Iraqi invasion of Kuwait, the consequences of which had yet to be eliminated. The text was self-explanatory. He drew particular attention, however, to paragraph 3 (i), which called upon the Government of Iraq to cooperate with the Tripartite Commission to establish the whereabouts of missing persons and to release all Kuwaiti and third country nationals.

49. Iraq was a party to the Geneva Conventions and was thus obliged to release prisoners of war on humanitarian grounds. Although a total of 57 meetings had been held with the Government of that country on the issue, the latter had thus far failed to account for a single missing Kuwaiti national. If Iraq wished to be part of the international community, it must abide by its international obligations, including all the relevant Security Council resolutions. In that regard, he drew particular attention to paragraph 3 (j). A small State like Kuwait needed an umbrella to protect it, and he called upon the members of the Commission to support the draft resolution.

50. Mr. ZIVKOVIĆ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur on Iraq for a further year. The costs of the extension of the mandate were estimated at US$ 45,600 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001. It was expected that the fielding of human rights monitors, under paragraph 4 (b) of the draft resolution, would be covered from extrabudgetary resources.

51. Mr. IBRAHIM (Sudan), speaking in explanation of vote before the voting, said that the draft resolution had ignored the adverse impact of the sanctions, as documented by many United Nations reports. A solution to the problem of missing persons that was satisfactory to all parties must be found. His delegation would abstain from voting and requested a roll-call vote.

52. Mr. BATCHELOR (United States of America) said his delegation supported the resolution because it recognized the massive human rights violations perpetrated by the regime of Saddam Hussein. The United States Government strongly disagreed with any suggestion that Security Council sanctions were responsible for the Iraqi people's suffering. The Iraqi regime had systematically denied them access to the food and medicines the oil-for-food programme had been designed to provide. It was time to end Saddam Hussein's impunity. All States should continue to provide the Special Rapporteur with information on the human rights situation in Iraq, including violations of international humanitarian law. His delegation would vote in favour of the draft resolution.

53. Mr. PARSHIKOV (Russian Federation), said that his delegation was in favour of the realization of all human rights and fundamental freedoms in Iraq, and of ensuring respect for the country's ethnic and religious minorities. It accordingly supported the full implementation of the Security Council resolutions aimed at normalizing the situation in the country. His delegation also welcomed the reflection in the draft resolution of the negative impact of the sanctions on the Iraqi population, including children.

54. However, the draft resolution lacked balance and failed to reflect adequately the multifaceted nature of the situation in Iraq. In parts, it was biased, or based on outdated, unsubstantiated or unreliable information, particularly regarding the Government's alleged "systematic, widespread and extremely grave violations of human rights and of international humanitarian law" (para. 2 (a)). There was also one-sided criticism of the authorities' activities in relation to national or religious minorities. Moreover, it was unjust to reproach the Government with a lack of cooperation with humanitarian agencies and discriminatory distribution of humanitarian aid. It was also inappropriate to refer to regions in which the Government's sovereignty was restricted, particularly in view of the unlawful bombing of the territory of a sovereign State.

55. The Government of Iraq still needed to do a great deal to ensure that international standards were implemented. His delegation supported the appeal to the Government to cooperate to that end with the Commission's mechanisms.

56. At the request of the representative of Sudan, the vote was taken by roll-call on the draft resolution.

57. France, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bhutan, Botswana, Brazil, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Mauritius, Mexico, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Spain, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: None.

Abstaining: Bangladesh, Burundi, China, Congo, Cuba, India, Indonesia, Liberia, Madagascar, Morocco, Nepal, Niger, Nigeria, Pakistan, Qatar, Russian Federation, Sri Lanka, Sudan, Tunisia, Venezuela, Zambia.

58. The draft resolution was adopted by 32 votes to none, with 21 abstentions.

59. Mr. CHATTY (Tunisia) said that his delegation was in favour of finding a solution to the question of Kuwaiti prisoners of war and third country nationals, which might improve relations between the two countries and reduce tension in the region. On the other hand, it considered it necessary to respect the sovereignty of Iraq throughout its territory. Consequently, it had abstained from voting on the draft resolution. He appealed to the international community to help reduce the suffering of the Iraqi people, and particularly children, who were dying for lack of food and medicine.

60. Mr. SUTOYO (Indonesia) said his delegation had abstained because his Government believed that the international sanctions had been a significant factor in the deterioration in the human rights situation in Iraq. Lifting the sanctions would unquestionably help improve that situation. However, his delegation joined the international community in calling on Iraq to cooperate with the United Nations in establishing the whereabouts of those still missing, including prisoners of war, and to release immediately all Kuwaitis and third country nationals still detained in Iraq.

61. Mr. AL-THANI (Qatar) called on Iraq to respect all its international obligations and to comply with the Security Council resolutions on the release of detainees from Kuwait. His delegation had abstained because of the economic impact of the sanctions on the people and, especially the children, of Iraq. His Government would support any peaceful solution to the problem, which was a very serious one for the region.

62. Mr. ZAFERA (Madagascar) said that all members of the Commission had the duty to promote and protect human rights and should therefore not ignore the obstacles to the full enjoyment of those rights. The sanctions were having an appalling impact on the Iraqi people and, in the light of the concerns expressed recently by the Secretary-General and by the Executive Director of United Nations Children's Fund (UNICEF), that fact could no longer be ignored. His delegation had therefore abstained from voting.

Draft resolution on the situation of human rights in Afghanistan (E/CN.4/2000/L.26)

63. The CHAIRMAN, introducing the draft resolution, said it contained a consensus text agreed upon by all regional groups and was thus submitted by him in his capacity as Chairman.

64. Mr. ZIVKOVIĆ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur on Afghanistan for a further year. The costs of the extension of the mandate were estimated at US$ 55,600 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

65. The draft resolution was adopted without a vote.

66. Mr. HARAGUCHI (Japan) said that his delegation welcomed the adoption of the resolution by consensus, which would send a strong message to all relevant parties in Afghanistan. In an effort to help improve the human rights situation in Afghanistan, and particularly the situation with regard to women's rights, his Government had recently held discussions with the Taliban and non-Taliban factions on a wide range of issues, including the preservation of cultural heritage, matters of international concern such as human rights and terrorism, and the question of peace in Afghanistan.

Draft resolution on the situation of human rights in Equatorial Guinea and assistance in the field of human rights (E/CN.4/2000/L.27)

67. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the African Group, said that it was the product of wide consultations in a spirit of commitment and cooperation. He acknowledged, in particular, the political will and flexibility shown by the Government of Equatorial Guinea. The text was a balanced one and would make it possible to move ahead with the process of change in the country. He recommended that it be adopted by consensus.

68. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the observer for Costa Rica had become a sponsor of the draft resolution.

69. Mr. ZIVKOVIĆ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Representative on Equatorial Guinea for a further year. The costs of the extension of the mandate were estimated at US$ 45,600 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

70. The draft resolution was adopted without a vote.

Draft resolution on the situation of human rights in Burundi (E/CN.4/2000/L.28)

71. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the African Group, said that it was the product of wide-ranging consultations in a spirit of cooperation. It reflected the changes that had taken place in Burundi in the last year and the fact that further efforts would be needed in the future to improve the human rights situation there. The Government of Burundi had continued to cooperate with the Commission and was urged to continue its actions towards national reconciliation, in order to pave the way for the return of democracy and peace.

72. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Canada, Norway, Japan and the United States, and the observers for Costa Rica and Israel had become sponsors of the draft resolution.

73. Mr. ZIVKOVIĆ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would

decide to extend the mandate of the Special Rapporteur on Burundi for a further year. The costs of the extension of the mandate were estimated at US$ 60,100 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

74. The draft resolution was adopted without a vote.

Draft resolution on the situation of human rights in Rwanda (E/CN.4/2000/L.29)

75. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the African Group, said that it was the product of open-ended consultations and had been closely scrutinized by States and other delegations. It reflected the changes that had taken place in Rwanda in the last year and the fact that further efforts would be needed in the future to improve the human rights situation there. The Government of Rwanda had continued to cooperate with the Commission mechanism and the Special Representative's report (E/CN.4/2000/41) testified to its commitment to progress. The text was a balanced one and capable of moving forward the evolving processes of change in Rwanda. He hoped it would be adopted by consensus.

76. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Canada, Norway, Japan and the United States, and the observers for Costa Rica and Israel had become sponsors of the draft resolution.

77. Mr. ZIVKOVIĆ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Representative on Rwanda for a further year. The costs of the extension of the mandate were estimated at US$ 112,800 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

78. The draft resolution was adopted without a vote.

Draft resolution on the situation of human rights in China (E/CN.4/2000/L.30)

79. Mr. KOH (United States of America) introducing the draft resolution drew attention to the fact that paragraph 2 (d) had been separated into two parts: 2 (d) and 2 (e), which would read:

> "(d) At the severe measures taken to restrict the peaceful activities of Buddhists, Muslims, Christians and others who sought to exercise their internationally recognized rights of freedom of religion and peaceful assembly;
>
> (e) At the severe measure taken against adherents of spiritual movements such as Falun Gong who, in pursuing non-violent spiritual activities, sought to exercise their internationally recognized rights of freedom of conscience and of peaceful assembly;"

80. His delegation was submitting the resolution to the Commission without malice towards the Government of China or its people. Since the late 1970s, the United States and China had worked together on many regional and international problems. There had been commercial ties between the two nations for very many years.

81. China had recently had great success in liberalizing its economy and dramatically improving the standard of living of many of its citizens. To encourage that trend, his Government was currently making every effort to ensure that China would have Permanent Normal Trade Relations status if it entered the World Trade Organization (WTO). If China should enter the WTO, it would be required to tailor its domestic conduct to international standards and undergo scrutiny by that body without hiding behind no-action motions. The same should apply to its human rights record. However, the situation of human rights in China remained very poor and China's human rights practices fell far short of international standards and its human rights record had not only failed to improve, but had deteriorated in the past year.

82. In 1999, the Chinese authorities had intensified the suppression of organized dissent and freedom of thought, conscience and religion. China continued to commit serious human rights abuses in Tibet and refused to engage the Dalai Lama in dialogue to resolve long-standing differences, having, instead, chosen to engage in a campaign to discredit him. That year had also been marked by the exploitation of forced prison labour and continuing problems with regard to the human rights of women. In the circumstances, his delegation believed that the Commission had an obligation to its own mandate and the entire international community to examine China's human rights record on its merits.

83. Mr. QIAO Zonghuai (China) said that his delegation resolutely opposed the draft resolution, introduced by the delegation of the United States of America. In accordance with rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, he wished to move that the Commission should take no action on the draft resolution which was nothing more than a political farce directed against China by the United States and a mockery of the Commission and its members.

84. During the past year, the Chinese people had enjoyed political stability, economic development, national unity and comfortable living and working conditions. China was making unprecedented strides towards democracy, prosperity and the rule of law. The human rights situation in the country was at an all-time high.

85. The representative of the United States had asserted that the human rights situation in China had seriously deteriorated. That was a blatant lie. It was the United States that had violated the human rights of the Chinese people when, on 8 May 1999, it had bombed the Chinese Embassy in the Federal Republic of Yugoslavia, killing three Chinese journalists and wounding more than 20 embassy staff members in a gross violation of Chinese sovereignty and the human rights of the Chinese people. One year after that incident, the United States, which had yet to give satisfactory explanations of it to the Chinese Government and people, made unwarranted attacks on China at the Commission, in an attempt to confuse right and wrong.

86. The human rights situation in China had been improving steadily, and the real reason the United States had tabled such a slanderous resolution was its desire to serve the interests of its

own domestic party politics. That country had itself dealt ruthlessly with problematic cults, yet was giving unreserved support to an equally problematical cult in China. China had successfully used the humane approach of education to save an extremely large percentage of Falun Gong practitioners, and that should be regarded as a contribution to the international protection of human rights. The fact that the draft resolution made a groundless accusation against China in that regard was a typical example of double standards. The draft resolution could only provoke confrontation among the member States and obstruct the work of the Commission.

87. The assertion by the representative of the United States that the no-action motion proposed by China was against the rules of procedure of the Commission was absolute nonsense. The rules of procedure had been established by the Economic and Social Council and had been in use for many years. Rule 65, paragraph 2, had been invoked and applied on numerous occasions. Such motions had also often been used in other United Nations bodies. The United States itself had, on many occasions, used such motions in the General Assembly and other forums in order to block the adoption of resolutions and decisions that were not to its liking. The United States attack against China's move was a typical act of hegemony. The United States representative must remember that the Commission was not the United States Congress, and that the Commission followed the rules of procedure of the United Nations, not the will of the United States.

88. The United States alleged that China's no-action motion was aimed at seeking special treatment and obstructing discussion of China's human rights situation by the Commission. However, during the current session of the Commission, many delegations had made various comments on the human rights situation in China, and his delegation had provided information under the relevant agenda items on the measures its Government had adopted to promote and protect human rights. Throughout the session, the United States delegation had made constant reference to alleged human rights problems in China, and had exercised its right of reply to statements by the Chinese delegation. It could hardly complain that it was not able to discuss the question of human rights in China.

89. It was the United States that was seeking special treatment and using double standards on the question of human rights. It was constantly levelling accusations at developing countries, including China, in the name of human rights. However, the United States itself was notorious for racial discrimination, police brutality, prison torture, campus shootings and other serious violations of human rights. It constantly urged other countries to sign and ratify human rights conventions, whereas it refused to ratify the Convention on the Rights of the Child. If, as the United States delegation appeared to believe, the only way to discuss and improve a country's human rights situation was to introduce country-specific resolutions, its own scandalous human rights record could only be improved by the tabling of a draft resolution on the situation of human rights in the United States of America.

90. He therefore urged the Commission, in order to safeguard its credibility, to resist the political pressure of the United States and vote in favour of China's motion to take no action and against the United States draft resolution. He asked that the no-action motion be decided by a roll-call vote.

91. Ms. RUBIN (United States of America) said that the no-action motion presented a critical issue of principle for all members of the Commission. No nation's human rights record was above international scrutiny, yet, for years the Commission had allowed China to enjoy immunity. By signing international human rights instruments, China had acknowledged that its human rights record was a legitimate topic for discussion by the international community and the Commission on Human Rights. Asking China to conform to the international standards that it had acknowledged did not amount to interference in its internal affairs.

92. Her delegation believed that the Commission had a duty to reject no-action motions that were introduced for the sole purpose of preventing it from examining a country's record. Members of the Commission should be free to debate any issue pertaining to human rights, and should not condone double standards. All resolutions should be judged on their merits, and no Commission member should be allowed to hide its human rights record behind procedural manoeuvring. Her delegation therefore called on all Commission members to reject China's no-action motion.

93. Mr. PARSHIKOV (Russian Federation) said that human rights questions were increasingly being artificially politicized. The draft resolution in question was counter-productive. China had made significant progress with regard to human rights and the observation of international human rights standards, had signed several international conventions, overhauled its penal legislation and received a visit from the High Commissioner for Human Rights.

94. For a number of years, his Government had been engaged in a fruitful human rights dialogue with the Government of China. Recently, a number of other Governments had engaged in similar dialogues. That was the appropriate approach to such a great country. His delegation would therefore support the no-action motion.

95. Mr. MENDONÇA E MOURA (Portugal), explaining the position of the European Union and the associated countries of Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and Turkey, expressed his regret at the introduction of a no-action motion by the delegation of China. It was a matter of principle for the Union to vote against no-action motions which were clearly aimed at preventing the Commission from dealing with specific country situations. No country should use procedural tools to evade criticism or judgement by the international community. For the Commission to discuss and decide to take action on a human rights situation in any country of the world did not constitute interference in the internal affairs of a country. A no-action motion ran counter to the principles of transparency and non-selectivity that were essential to the work of the Commission and brought into question the right of the Commission to deal with any country situation.

96. The Union was following the human rights situation in China with great attention, and was deeply concerned that, notwithstanding some improvement in the legal system and social and economic rights, little progress had been achieved with regard to civil and political rights. It strongly condemned the continuing restrictions upon fundamental freedoms, including freedom of thought, expression, religion, assembly and association, and expressed its concern at the harsh sentences imposed on political dissidents calling for democracy and at the alarming human rights situation in Tibet and Xinjiang.

97. It was equally dismayed by the severe sentences passed upon members of the Falun Gong movement, the use of administrative detention and the continued imposition of the death penalty. It attached great importance to the European Union-China human rights dialogue, which was kept constantly under review, but emphasized that the willingness of the Chinese authorities to discuss human rights issues of common concern must be translated into tangible action towards the full realization of the human rights of all persons under Chinese jurisdiction.

98. Mr. ALFONSO MARTINEZ (Cuba) said that the United States delegation employed double standards in dealing with issues relating to other countries. Its representative's statement had been full of sophisms and fallacies. It had clearly forgotten that the rules of procedure had existed long before the case of China had been introduced and that those rules applied equally to all countries without discrimination. The United States delegation appeared also to have forgotten what action it had itself taken in international forums. From the mid-1960s to the early 1970s, the United States delegation had consistently used the equivalent of a no-action motion, namely, Article 18, paragraph 3, of the Charter of the United Nations, to deny China its rightful seat in the General Assembly. It was therefore in no position to make hypocritical statements about the misuse of rules of procedure. His delegation would vote in favour of the no-action motion.

99. Mr. HYNES (Canada) said that his delegation consistently opposed no-action motions, believing that it was the Commission's fundamental responsibility to deal with human rights concerns. While it was true that the rules did allow for such motions, the current motion amounted to a denial of the Commission's mandate. His delegation would oppose the no-action motion and, if draft resolution E/CN.4/2000/L.30 was put to a vote, it would support it.

100. Mr. AKRAM (Pakistan) said that the Commission should not be an arena for political conflict, yet became one every year when a draft resolution was introduced on the situation of human rights in China. No case could be made for censuring China on human rights. If the purpose of States and Governments was to ensure social progress, China had done well in that regard. A recent report by the United Nations Development Programme (UNDP) emphasized that China had had remarkable success in reducing abject poverty. By the yardstick of human development, China's achievements were outstanding, and human conditions in the country had never been better.

101. The draft resolution was politically selective. Year after year, a draft resolution was introduced on human rights in China, whereas his own delegation was severely discouraged from introducing a draft resolution concerning another large country in Asia. It was argued that the introduction of a resolution on that country would incense it and lead it to terminate cooperation with human rights bodies. In the case of China, however, the opposite argument was used, namely, that the human rights situation would be improved if China was put under the spotlight. He wondered whether China was being put under the spotlight precisely because it was the most successful developing country, and whether it was not being contained rather than engaged.

102. The political antecedents of the current draft resolution were no secret. The International Herald Tribune had stated that the anti-China draft resolution was being tabled in order to satisfy the anti-China lobby and ease Congressional passage of the Permanent Normal

Trade Relations status. The Commission was thus being asked to take up positions against China in order to permit the sponsor of the draft resolution to enjoy the trade benefits accruing from China's opening markets.

103. According to Article 1, paragraph 4, of the Charter of the United Nations, one of the purposes of the United Nations was to be a centre for harmonizing the actions of nations. Consideration of the draft resolution in question was, however, likely to generate political confrontation between the two largest countries in the world. The rules of procedure provided for the possibility of no-action motions in order to prevent confrontation, and that provision appeared to be tailor-made for the current case.

104. Mr. PALIHAKKARA (Sri Lanka) said that no-action motions were not unique to the Commission. China had adopted positive measures with regard to human rights and cooperation with international bodies, and the international community should build on those measures, rather than rely on resolutions that failed to engage the cooperation of the country. His delegation would support the no-action motion.

105. Mr. IBRAHIM (Sudan) said that economic and social rights had been improved for many citizens in China, and China had cooperated with the Office of the High Commissioner for Human Rights (OHCHR). Such improvements in the situation should be appreciated. His delegation would support the no-action motion.

106. Mr. CHOWDHURY (Bangladesh) said that China should be encouraged and engaged in as broad a spectrum of activities as possible. His delegation would support the no-action motion.

107. At the request of the representative of China, a vote was taken by roll-call on the motion that no action should be taken on draft resolution E/CN.4/2000/L.30.

108. Rwanda, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Burundi, China, Congo, Cuba, India, Indonesia, Madagascar, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Qatar, Russian Federation, Sri Lanka, Sudan, Venezuela, Zambia.

Against: Canada, Colombia, Czech Republic, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Spain, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Chile, Ecuador, Liberia, Mauritius, Mexico, Philippines, Republic of Korea, Rwanda, Senegal, Tunisia.

109. The motion that no action should be taken on the draft resolution, was adopted by 22 votes to 18, with 12 absentions.

The meeting rose at 1.25 p.m.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.56
13 December 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 56th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 April 2000 at 3 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

CONTENTS

ORGANIZATION OF WORK (continued)

CONSIDERATION OF THE DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEM 9 (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-13288 (E)

The meeting was called to order at 3.10 p.m.

ORGANIZATION OF WORK (agenda item 3) (continued)

1. Mr. DENNIS (United States of America) pointed out that a representative of the Federal Republic of Yugoslavia had on several occasions occupied the seat behind the nameplate for Yugoslavia, in violation of Security Council resolution 777 (1992), and asked the Chairperson to intervene.

2. The CHAIRPERSON recalled that rule 41 of the rules of procedure of the functional committees of the Economic and Social Council gave him complete control to direct the discussions and maintain order. In accordance with General Assembly resolution 47/1 of 22 September 1992, the Federal Republic of Yugoslavia (Serbia and Montenegro) could no longer participate in the work of the General Assembly or in the meetings convened by it or by its subsidiary bodies. The Chairperson therefore asked the representatives of the Federal Republic of Yugoslavia no longer to occupy the seat set aside for Yugoslavia.

CONSIDERATION OF THE DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEM 9 (continued) (E/CN.4/2000/L.31, L.33, L.34, L.35, L.36 and L.52)

Draft resolution E/CN.4/2000/L.31 (Cooperation with representatives of United Nations human rights bodies)

3. Mr. LAKATOS (Hungary), introducing the draft resolution on behalf of its sponsors, said that in it the Commission reiterated its concern at the continued reports of intimidation against private individuals cooperating with the United Nations and its human rights bodies (first preambular paragraph), urged governments to refrain from all acts of intimidation or reprisal (para. 1) and requested all representatives of human rights bodies and treaty bodies to continue to take urgent steps to help prevent the hampering of access to United Nations human rights procedures (para. 2). In paragraph 6, the Commission invited the Secretary-General to submit to the Commission a compilation of available information on reprisals against the persons referred to in paragraph 1. The Hungarian delegation expressed the hope that, as in the past, the draft resolution would be adopted without a vote.

4. Mrs. IZE-CHARRIN (Secretary of the Commission) announced that the Republic of Korea, Paraguay, Luxembourg, Liechtenstein, Israel, Albania, Cameroon and Colombia had joined the draft resolution's sponsors.

5. Mr. ZIVKOVIC (Secretariat) pointed out that the draft resolution had no financial implications.

6. Draft resolution E/CN.4/2000/L.31 was adopted without a vote.

Draft resolution E/CN.4/2000/L.33 (Situation of human rights in Myanmar)

7. Mr. MENDONÇA E MOURA (Portugal), introducing the draft on behalf of the European Union and all the other sponsors, said that the Special Rapporteur on the human rights

situation in Myanmar, in his report to the Commission (E/CN.4/2000/38), had concluded that no concrete progress had been made in connection with the general human rights situation in Myanmar. On the contrary, civil and political rights continued to be repressed, ethnic and religious minorities oppressed and political opponents persecuted. The situation was compounded by widespread abject poverty and high child mortality and malnutrition rates. The draft resolution therefore emphasized that situation and the ensuing concerns. It nevertheless welcomed certain new positive elements, such as the resumption of cooperation with the International Committee of the Red Cross, the constructive dialogue between the Committee on the Elimination of Discrimination against Women and the Government of Myanmar and the visit in October 1999 of the Special Envoy of the Secretary-General. It was nevertheless regrettable that the Government of Myanmar had still not given permission for the Special Rapporteur appointed by the Commission to visit the country, and the resolution therefore invited the Government to cooperate fully, and without further delay, with all United Nations representatives, and in particular with the Special Rapporteur (para. 8).

8. The representative of Portugal, speaking on behalf of the sponsors, added that the text had been modified. In preambular paragraph 9, the phrase "and also of the recommendation of the Governing Body of the International Labour Organization that the 88th session of the International Labour Conference (May-June 2000) adopt such measures as it may deem wise and expedient to secure compliance by the Government of Myanmar with the recommendations of the Commission of Inquiry established to examine the observance of the Forced Labour Convention, 1930 (No. 29)" had been replaced by "and also of the recommendation of the Governing Body of the International Labour Organization Governing Body's recommendation of 27 March 2000", and the words "except for the purpose of implementing those recommendations" had been inserted at the end of paragraph 5 (d).

9. The sponsors hoped that the draft resolution would, as in the past, be adopted without a vote.

10. Mrs. IZE-CHARRIN (Secretary of the Commission) announced that Turkey, New Zealand and Israel had joined the draft resolution's sponsors.

11. Mr. MYA THAN (Observer for Myanmar) expressed his great disappointment with the text presented, which he had hoped would be more balanced and objective. Not only did the draft have all the defects of the resolution adopted in 1999; in addition, it prejudged the outcome of certain issues.

12. All the allegations made in the resolution had already been refuted in the Memorandum concerning the human rights situation in Myanmar (E/CN.4/2000/137), distributed by the Government of Myanmar. He gave as an example the issue of "forced labour" mentioned in the draft. The practice of forced labour was non-existent in Myanmar and was prohibited by tradition and law. Indeed, the Government had issued orders suspending the relevant sections of the Village Act and the Towns Act. In addition, the Government had demonstrated its willingness to cooperate by inviting the International Labour Organization to send a technical

team to Myanmar. Lastly, the fact that the draft resolution noted the recommendations on forced labour made by the Governing Body of the International Labour Organization, which had not yet been adopted, prejudged the outcome of the deliberations of the 88th session of the International Labour Conference.

13. In addition, the draft resolution turned a blind eye to the undeniable and concrete results obtained by the Government of Myanmar, namely the prevalence of peace throughout the country, the restoration of national unity, and the achievement of significant economic progress accompanied by an improvement in the people's living standards. The resolution's sponsors affirmed without rhyme or reason that the National Convention was not in a position to further the restoration of democracy and national reconciliation. The National Convention was a truly representative body made up of representatives from various legal political parties, national groups and all strata of society. It had taken progressive measures to secure the establishment of a modern, peaceful and democratic State, for example by drawing up a new Constitution.

14. In short, the draft resolution was factually incorrect and politically motivated, and it aimed to tarnish the image of Myanmar. The delegation for Myanmar therefore deemed it unacceptable and rejected it in its entirety.

15. Mr. HARAGUCHI (Japan) shared the view of the international community that the Government of Myanmar should be further encouraged to improve the human rights situation in that country. The government should in particular authorize the Special Rapporteur to visit Myanmar so that he could get a clear picture of actual conditions. On the other hand, Japan had observed that Myanmar had made some progress, albeit minor, in terms of human rights and that it would be unwise, in its opinion, to dismiss it. He expressed satisfaction that the draft as amended by Portugal did not discuss in detail the issues being deliberated by the International Labour Organization, as it would not be appropriate to speculate on the final decision.

16. The representative of Japan drew the Commission's attention to the fact that operative paragraph 4 referred to the considerable assistance provided by the Government of Thailand to refugees from Myanmar. In his opinion, the efforts of the Government of Bangladesh should also be applauded, as Bangladesh had also taken in many refugees.

17. Mr. CHOWDHURY (Bangladesh) recalled that Bangladesh had given refuge to over 260,000 Rohingya refugees from Myanmar, in spite of the limited resources available to it, for over 10 years. He expressed gratitude in that connection to the countries that had supported Bangladesh's efforts and to UNHCR. Bangladesh did not seek praise for what it had done; it simply wished its efforts to be recognized alongside those of other countries. It therefore wished to be mentioned like other countries in paragraph 4 of the draft resolution. The delegation for Bangladesh was grateful to the Japanese delegation for having made that proposal. However, so as not to hold up the work of the Commission any longer, it would not insist on its request being met but expressed the hope that it would be taken account of in the future.

18. Mr. ZIVKOVIC (Secretariat), presenting the draft's financial implications in accordance with rule 28 of the rules of procedure of the functional committees of the Economic and Social Council, indicated that an amount of US$ 36,100 had been set aside in the programme budget for

the 2000-2001 biennium to cover the costs arising from the renewal of the Special Rapporteur's mandate under paragraph 10 of the draft resolution, i.e. two trips to Geneva, one trip to New York, one field mission and the temporary assistance of one Secretariat staff member.

19. Mr. AKRAM (Pakistan) shared the consensus that was apparently forming on draft resolution E/CN.4/2000/L.33. The Pakistani delegation nevertheless wished to specify that it had reservations about the reference made in the ninth preambular paragraph of the draft to the recommendation of the Governing Body of the International Labour Organization, since Pakistan had not endorsed that recommendation.

20. Draft resolution E/CN.4/2000/L.33, as amended, was adopted without a vote.

Draft resolution E/CN.4/2000/L.34 (Situation of human rights in Sierra Leone)

21. Mr. NORFOLK (Canada), introducing the draft resolution, said that since the previous session of the Commission, a government of national unity had been formed in Sierra Leone following the signing of the Lomé Peace Agreement in July 1999. In addition, Security Council decision 1270 (1999) had established a United Nations mission in Sierra Leone to report on violations of human rights in the country and to assist the Government in addressing the country's human rights needs. Further atrocities had nevertheless been committed against civilians, in particular by the rebel groups that continued to operate in many parts of the country. The draft resolution reflected those developments and concerns and set out priority areas for action by the Government of Sierra Leone and for the assistance of the international community, in particular for the establishment of the Truth and Reconciliation and Human Rights Commissions. The High Commissioner for Human Rights was requested to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session on the situation in Sierra Leone, referring in particular to the reports from the United Nations mission in Sierra Leone.

22. The Canadian delegation pointed out that, after discussion with the Government of Sierra Leone, the sponsors had decided to replace paragraph 4 in the draft with the following text: "Deplores the ongoing atrocities committed by the rebels, including murders, rapes, abductions and detentions, calls for an end to all such acts; and also calls for the cessation of the recruitment and use of children as soldiers, contrary to international law, and of all attacks on civilians;". Paragraph 5 (b) had also been amended, as follows: "To respect human rights and international humanitarian law, including the human rights and welfare of women and children;".

23. The Canadian delegation considered that the draft resolution, which had been the object of widespread discussion, was a balanced and constructive text that the Commission should be able to adopt by consensus.

24. Mrs. IZE-CHARRIN (Secretariat of the Commission) announced that Switzerland, Japan, Lithuania, Poland, Ireland, Luxembourg, Sweden, Austria, Belgium, Latvia, Germany, Israel, Finland and Albania had joined the draft resolution's sponsors.

25. Mr. ZIVKOVIC (Secretariat) stated that the draft resolution under consideration would have no financial implications.

26. Draft resolution E/CN.4/2000/L.34, as amended, was adopted without a vote.

Draft resolution E/CN.4/2000/L.35 (Situation of human rights in Cuba)

27. Mr. PALOUS (Czech Republic), introducing the draft resolution, said that his Government wanted to contribute to a real dialogue on the situation of human rights, recognizing the differences that could exist between countries and transforming them into an instrument of cooperation. It was nevertheless generally recognized that the situation of human rights had not improved in Cuba during the previous year. According to *Pax Christi* (Netherlands), intimidation, harassment, short-term arrests and long-term sentences had not decreased in 1999. For example, Dr. Oscar Biscet, who opposed the death penalty and forced abortion, had been arrested on numerous occasions, could no longer work in the Cuban national health system and had been evicted from his home. He had been beaten, threatened, subjected to blackmail and arbitrary incarceration and recently sentenced to three years in prison. Many other peaceful activists had shared the same fate and were being held in inhumane conditions. The draft resolution met the concerns not only of governments, but also of Cuban dissidents and numerous non-governmental organizations.

28. The Czech Republic was opposed to unilateral economic sanctions, as they led to isolation. Equally, it believed that political pluralism and economic prosperity went hand-in-hand. It backed the many States that wished to engage Cuba in dialogue and to alleviate the economic difficulties faced by its people. Human rights defenders in Eastern and Central Europe had sent Cuban dissidents an open letter in which they emphasized how precious freedom was, recalled the ecstatic moments when the communist dictatorship had come to an end and stated that they were ready to share with the Cubans what they had learnt. They were thus expressing the position not only of the Czech Republic but also of all Eastern and Central European countries which had experienced totalitarianism and many of which were sponsors of the draft resolution. The Czech delegation was firmly convinced that the text of the draft resolution was balanced and invited all the members of the Commission to support it as well.

29. Mrs. IZE-CHARRIN (Secretary of the Commission) announced that Lithuania, the Netherlands, Israel, Slovakia, Bulgaria, Japan, Iceland and Slovenia had become sponsors of the draft resolution.

30. Mr. AMAT FORES (Cuba) said that the United States had launched direct and indirect military operations against Cuba, placed it under an economic, trade and financial embargo, spread disease among the population, encouraged illegal emigration, supported subversive activities and even attempted to assassinate Cuba's main leaders. A draft resolution presented by the United States against Cuba to the Commission had been rejected in 1998 and another had almost been rejected in 1999. To avoid further humiliation, the United States was once again using the Czech Republic; but, as had been revealed by Mrs. Albright's statement to the Commission three weeks earlier, the draft resolution's true author was the Government of the United States. To make up for the lack of influence and credibility of its cohorts, the

United States had accredited a delegation of 47 members who were exerting all manner of pressure on the representatives of other States in the halls of the Palais des Nations, and Washington was doing the same thing in the capital cities of several countries. The so-called authors of the draft had deposited it as the price of their admission to NATO and in exchange for silence on the human rights violations occurring in their countries.

31. That constituted an attack on a people that had freely chosen its mode of political, economic and social development and an attempt to justify the policy of dirty war and embargo that had been in force for over 40 years. It was a means of satisfying the far right and a criminal minority of Cuban emigrant groups in the United States, the same people who had kidnapped little Elián González, flouting international and United States law. The United States, which could not bear to see Cuba build a society in which social justice reigned, paid agents who claimed to defend human rights but in fact only defended the interests of the United States. Those interests could not countenance the fact that Cuba had an independent foreign policy and had demanded the cancellation of the foreign debt of developing countries, respect for commitments in terms of public aid for development, an end to unilateral measures of coercion, the democratization of the United Nations and international financial institutions, access for all countries to markets, technology and development, and the participation of the countries of the South in the process of globalization. Instead of criticizing Cuba, it would be better to take effective measures to redress the desperate plight of millions of human beings suffering from hunger and disease, even in developed countries like the United States. Cuba, for its part, received thousands of students from poor countries and sent many doctors and health workers to the four corners of the globe.

32. Cuba rejected the draft resolution, which breached the principles of universality, objectivity, impartiality and non-selectivity that should prevail in the Commission's deliberations. Cuba was being unfairly singled out, and the flagrant human rights violations committed in the United States against blacks, native peoples, immigrants and millions of Americans living in poverty were being ignored. The human rights of the Cuban people had been violated by successive United States governments, which had prompted invasions by mercenaries, encouraged armed groups, launched terrorist attacks and attempted to assassinate Cuban leaders, and launched biological attacks that had killed or disabled thousands of people. The United States maintained its economic, trade and financial embargo, which had very serious consequences for Cuba, even though the General Assembly had asked it to lift the embargo for eight consecutive years.

33. Cuba was proud of its human rights record and its determination to defend the revolution, to which it owed its independence, social justice and national dignity, and could therefore not approve a text that implied any unjust condemnation of its actions. The Cuban delegation appealed to the members of the Commission to reject the draft as well and asked that it be put to a roll-call vote. No matter what the outcome of the vote, Cuba considered that it had won a moral victory.

34. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union, said that the European Union shared the concerns expressed about the human rights situation in Cuba. It deplored the systematic denial of civil and political rights and fundamental freedoms, arrests and detentions for political reasons and the repression of dissidents. It nevertheless

believed that the draft resolution should have contained a reference to the negative consequences of the economic embargo on Cuba and regretted that its proposals on that matter had not been taken into account. The European Union wished to reiterate that in its relations with Cuba it sought to encourage a process of transition to a pluralist democracy, respect for human rights and fundamental freedoms and an improvement in the living standards of the Cuban people. It was not in favour of coercive measures that increased the economic hardship of the Cuban people.

35. Mr. ZIVKOVIC (Secretariat) stated that the draft resolution under consideration would not have any financial implications.

Statements in explanation of vote before the vote

36. Mr. PARSHIKOV (Russian Federation) stated that the Russian delegation would vote against the draft resolution, which in his opinion had been dictated by political considerations and not by human rights concerns.

37. Mr. RODRIGUEZ-CEDEÑO (Venezuela) said that Venezuela had always been committed to respect for international human rights standards. The fundamental principles embodied in the relevant instruments were reflected in the Venezuelan Constitution adopted in December 1999 and in the national policy implemented by the Government. The Government therefore urged all other countries to continue to promote respect for human rights throughout the world. It nevertheless observed imbalances in the way in which such matters were handled by the Commission. Only a few countries were the object of an examination, and the various aspects of the human rights situation in those countries were not taken into account in the draft resolutions. It was especially regrettable that human rights matters had been politicized. The Commission's work should be based on cooperation, not on confrontation.

38. With regard to the draft resolution on Cuba, the Commission should encourage the Cuban Government in its efforts to implement the economic, social and cultural rights of the Cuban people in spite of the embargo placed on the country by unilateral decisions with no basis in law and which was not even mentioned in the draft resolution. In the light of those considerations, the delegation of Venezuela would vote against the draft resolution under consideration.

39. Mr. SALINAS (Chile) recalled that Chile had always been opposed to the application of unilateral decisions against Cuba and the adoption of measures affecting the decisions of third countries with regard to Cuba in the political, trade and cooperation spheres. He approved of no policy whose aim was to isolate Cuba. That being said, the isolation of the Republic of Cuba in no way justified the restrictions on the civil and political rights of the country's inhabitants, in particular their right to freedom of expression, conscience, association and assembly, nor the repression of dissidents. It was true that Cuba's situation was exceptional, as it was subjected to an economic embargo that had negative repercussions on the country's development; but it would be incorrect to think that the systems for the protection of fundamental rights should be given a lower priority than economic and social development. The Cuban people had the right to enjoy all the guarantees and all the freedoms that Cuba had undertaken to respect before the international community. The situation in that regard had further deteriorated in some respects.

For that reason, the Chilean delegation would vote in favour of the draft resolution under consideration. It nevertheless remained convinced that the adoption of the draft resolution would only serve a purpose if it was accompanied by measures aimed at assisting the Cuban Government to respect human rights.

40. Mr. QIAO Zonguai (China) stated that the Chinese delegation was absolutely opposed to draft resolution E/CN.4/2000/L.35; it had obviously been drawn up at the instigation of the United States, which bore primary responsibility for the violations of the human rights of Cubans. The Commission should applaud the efforts of the Cuban Government to preserve national unity and improve the population's standard of living and not criticize it. As a result, the Chinese delegation would vote against the draft, which was clearly motivated by political reasons peculiar to the United States, a country that did not accept the Cuban political system.

41. At the request of the representative of Cuba, a roll-call vote was held on draft resolution E/CN.4/2000/L.35.

42. The roll-call started with the United States, whose name was drawn by the Chairperson.

In favour: Argentina, Canada, Czech Republic, Chile, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Morocco, Norway, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

Against: Bhutan, Burundi, China, Cuba, India, Indonesia, Liberia, Madagascar, Niger, Nigeria, Pakistan, Peru, Republic of the Congo, Russian Federation, Sudan, Tunisia, Venezuela, Zambia

Abstaining: Bangladesh, Botswana, Brazil, Colombia, Ecuador, Mauritius, Mexico, Nepal, Philippines, Qatar, Rwanda, Senegal, Sri Lanka, Swaziland

43. Draft resolution E/CN.4/2000/L.35 was adopted by 21 votes to 18, with 14 abstentions.

Statements in explanation of vote after the vote

44. Mr. DE ICAZA (Mexico) said that every Member State of the United Nations was obliged to respect the rights and fundamental freedoms of its citizens, including freedom of expression and freedom of the press, freedom of association, the right to participate in free, fair and periodical elections held by secret ballot, and the right to disagree with the existing regime without fear of reprisal. Mexico wanted Cuba to become part of the community of sovereign democratic nations respectful of human rights, and the application of unilateral, arbitrary and isolationist measures was not the best means of encouraging it to do so. Indeed, such measures enabled it to justify the restrictions on the fundamental freedoms of Cuban citizens. Democracy was promoted by a policy of dialogue and not condemnation or criticism, of cooperation and not isolation, of fraternity and not aggression. For that reason, the Mexican delegation had abstained in the vote on the draft resolution concerning the situation of human rights in Cuba.

45. Mr. DESPOUY (Argentina) explained that the Argentine delegation had voted in favour of the draft resolution in order to encourage the Cuban authorities to cooperate further with the international supervisory mechanisms and bodies established by the Commission to promote and protect human rights. It nevertheless regretted that the draft did not refer to the serious consequences of the embargo and of the other unilateral economic measures imposed on Cuba for many years. Argentina opposed such measures, which were detrimental to the enjoyment by the Cuban people as a whole of its economic and social rights.

Draft resolution E/CN.4/2000/L.36/Rev.1 (Situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina)

46. Mr. KOH (United States of America), introducing the draft resolution, explained that it reflected the concern of many countries in the face of the serious human rights problems affecting the region considered.

47. In the previous week, over 100,000 people had gathered peacefully in Belgrade to urge early elections at all levels and an end to terrorism and violence and to the isolation the Milosevic regime had brought upon them. The draft resolution under consideration was intended to help those people and highlighted the number one problem in the former Yugoslavia: the regime of Slobodan Milosevic, its policies and its violations of human rights.

48. Having caused four wars on the territory of the former Yugoslavia, Milosevic was now focusing his repression on Serbia and Montenegro, declaring war on what remained of the independent media, the political opposition and non-governmental organizations. For example, property belonging to the independent media had been seized and destroyed. Peaceful demonstrators had been the target of harassment, intimidation and beatings, while opposition leaders had been taken to court for "verbal crimes". The situation was compounded by the manipulation of the judiciary, as a result of which Dr. Flora Brovina had been sentenced to 12 years in prison after months of illegal detention and maltreatment. An estimated 1,500 to 5,000 people removed from Kosovo after the conflict were still being detained by the Milosevic regime. The Commission on Human Rights could not remain silent in the face of those flagrant violations of human rights. The draft resolution called on the international community to support efforts aimed at achieving democracy in Serbia, in particular the organization of early elections as the most peaceful and efficient means of promoting human rights and democratic change.

49. In contrast to the Milosevic regime, Croatia had democratically elected a reform-minded Government that had already demonstrated its commitment to democratic values and human rights. It had stated that it wished to facilitate the return of refugees and had amended discriminatory legislation affecting refugee returns and reconstruction. As part of the Stability Pact, Croatia planned to speed up the process of return for those who had already applied to come back. Croatia was cooperating with the International Criminal Tribunal for the former Yugoslavia on war crimes issues. In the light of that significant change in policy, Croatia might in the following year be removed from the list of countries targeted by the draft resolution under consideration, provided, of course, that the Government continued on the path of reconciliation, reform and the return of refugees.

50. The draft resolution also recognized the positive steps taken by Montenegro to implement democratic and economic reform.

51. With regard to Kosovo, the representative of the United States recalled that the resolution adopted at the fifty-fifth session had focused on the Milosovic regime's brutal campaign of ethnic cleansing against the Kosovars and the terrible human rights violations endured by the latter. NATO had since brought the ethnic cleansing to a halt, allowing thousands of refugees to return to their homes. In the draft resolution under consideration, all groups were called upon to respect human rights and to refrain from using acts of violence for political ends. All political leaders in Kosovo had undertaken to cooperate unreservedly with UNMIK and KFOR with a view to preventing violence, strengthening the judicial system and improving security for all. The resolution also emphasized the importance of careful and thorough preparation for the local elections to be held in the autumn.

52. There had been some progress on human rights in Bosnia and Herzegovina, although certain difficulties remained that required the international communities' attention. The draft resolution condemned in the strongest possible terms the intimidation of and perpetuation of violence against minority refugees and internally displaced persons. Authorities at all levels had to help those people return to their former residences and immediately implement the decisions and recommendations of the Commission on Human Rights and the Commission for Real Property Claims.

53. The International Criminal Tribunal for the Former Yugoslavia was playing a critical role in holding accountable those who had perpetrated massive human rights violations against the people of the region. The sponsors commended the Tribunal for holding its first-ever trial on sexual violence against women, in particular in Foca. They also welcomed the attitude of the Government of Croatia, which had transferred Mladen Naletelic ("Tuta") to The Hague. The Tribunal had also begun the trial of General Krstic, the man alleged to be responsible for the execution of 7,000 men and boys in Srebrenica in 1995. Lastly, on 3 April 2000 SFOR had apprehended Momlico Krajisnik, the most senior Bosnian Serb political leader brought before the Tribunal to date. His arrest sent a clear message to the 28 individuals indicted by the Tribunal and still at large, including Milosevic, Karadzic and Mladic: there was no statute of limitations on their crimes and the time had come for them to surrender to the Tribunal.

54. The delegation for the United States therefore called on all members of the Commission to support the draft resolution on the former Yugoslavia.

55. Mrs. IZE-CHARRIN (Secretary of the Commission) announced that New Zealand, Japan, Austria, the Former Yugoslav Republic of Macedonia and Bangladesh had joined the sponsors of the draft resolution.

56. Ms. CEK (Croatia) expressed dissatisfaction that Croatia was one of the countries targeted by the draft resolution under consideration and reiterated the Croatian position, namely that the mandate of the Special Rapporteur should be terminated for Croatia as soon as possible. The Special Rapporteur himself had proposed that, if the positive developments continued, his mandate should be changed into a human rights cooperation and assistance programme.

57. Croatia welcomed the resolution's recognition of the progress made with a view to furthering media independence, undertaking judicial reform and guaranteeing the independence of the judiciary, and facilitating the return of refugees and displaced persons. It also welcomed the draft resolution's recognition of its cooperation with the High Commissioner for Human Rights on technical cooperation and other assistance programmes. The Government of Croatia wished to be judged by its actions and not by its words. In that regard it had initiated a campaign to abolish a number of discriminatory laws dealing with property, minority rights and the media. Concerning minority rights, the Government intended to put an end not only to legal discrimination, but also to the discriminatory practices against them. The Government had also initiated a review of the law on reconstruction and of the law on the status of displaced persons and refugees and their repatriation. The joint Croatia/UNHCR project on the repatriation of 16,500 Croatian Serbs from Bosnia and Herzogovina and the Federal Republic of Yugoslavia should have a positive effect on the repatriation process throughout the region.

58. As concerned cooperation with the International Criminal Tribunal for the Former Yugoslavia, the Croatian delegation was pleased to note that the draft resolution made a clear distinction between Croatia and the other countries covered by the mandate of the Special Rapporteur. Croatia had fulfilled all the requests of the Tribunal, including requests for the extradition of persons indicted for war crimes committed on the territory of the former Yugoslavia and the transfer of documents and other materials required for investigations. Croatia's cooperation with the international tribunal did not stop there: during the previous week, the Parliament had adopted a declaration on cooperation with the International Tribunal in which Croatia affirmed its commitment to bring to justice all those who had committed war crimes or crimes against humanity on the territory of the former Yugoslavia, regardless of nationality or rank. Other measures of cooperation included government support and assistance to a team investigating, on behalf of the International Tribunal, the alleged crimes committed near the Croatian town of Gospić.

59. It was high time that the promotion and protection of human rights in Croatia be implemented exclusively through technical cooperation with the United Nations or other regional organizations, as called for in the resolution. Croatia believed that doing so would be one of the primary factors of stability in the region.

60. Mr. ZIVKOVIC (Secretariat), introducing the financial implications of draft resolution E/CN.4/2000/L.36/Rev.1 in accordance with rule 28 of the rules of procedure of the functional committees of the Economic and Social Council, said that an amount of 55,200 dollars had been set aside in the programme budget for the 2000-2001 biennium to cover the costs arising from the renewal of the Special Rapporteur's mandate under paragraph 8 of the draft resolution, i.e. two trips to Geneva, one trip to New York, three field missions and the temporary assistance of a Secretariat staff member.

Statements in explanation of vote before the vote

61. Mr LUKIYANTSEV (Russian Federation) said that the Russian delegation would vote against the draft resolution under consideration as the text was not balanced and did not reflect the true human rights situation throughout the territory of the former Yugoslavia, nor did it take account of the Special Rapporteur's conclusions on that subject. The section on Kosovo was

especially tendentious as it referred only to the Serb forces and did not mention KLA activities at all, giving rise to doubt as to the sponsors' objectivity. In addition, Kosovo was put on an equal footing with sovereign States, which was tantamount to laying open to question the territorial integrity of the Federal Republic of Yugoslavia, in defiance of Security Council resolution 1244 (1999). The Russian delegation requested a roll-call vote on the draft.

62. Mr. SALINAS (Chile) drew the Commission's attention to the specific situation of Croatia, where remarkable progress had been made in the human rights field. The country's ongoing process of democratization set an example for the other countries in the region. The Chilean delegation would vote in favour of the draft resolution but nevertheless considered that Croatia was presently out of place in the resolution and that it should not be mentioned in any future draft resolution on the situation in the region concerned.

63. Mr. LI Baodong (China) was also of the opinion that the draft resolution did not reflect the true human rights situation in the region concerned. In addition, Kosovo was presented in the resolution as a State in its own right, which constituted a breach of the territorial integrity and sovereignty of the Federal Republic of Yugoslavia, of which Kosovo was still a part. The text was too unbalanced, and the Chinese delegation would therefore abstain.

64. Mr. VOTO-BERNALES (Peru) shared the concerns expressed in the draft resolution about the humanitarian and human rights situations in the three States considered. While acknowledging that the text was not quite balanced, he would vote in favour of it, on the understanding that none of its provisions were to be interpreted as undermining or relativizing the principle of the territorial integrity of States.

65. Mrs. NASCIMBENE DE DUMONT (Argentina) said that her delegation would vote in favour of the draft resolution. With regard to the breakdown of the text, the Argentine delegation considered that Kosovo should not be the subject of a special section (in that case section 3) as that was tantamount to giving the Serbian province the same status as the Republic of Croatia, the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia, which were independent States and Members of the United Nations. She recalled that Argentina had voted in favour of Security Council resolution 1244 (1999), reaffirming the commitment of Member States to the principle of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

66. Mr. RODRIGUEZ CEDEÑO (Venezuela) stated that his delegation would vote in favour of the resolution, but pointed out that no section of the text should be interpreted as being contrary to the principle of the territorial integrity of States. The Venezuelan delegation was indeed concerned by the way in which the text had been divided, which tended to give Kosovo a similar status to that of Croatia and Bosnia and Herzegovina.

67. Mr. DE ICAZA (Mexico) stated that although his delegation would vote in favour of the draft resolution it wished to make reservations concerning certain paragraphs, in particular paragraph 6, which dealt with a question the implications of which first had to be studied in depth by the Member States themselves. In addition, he considered paragraphs 15, 16, 17 and 18 to be excessive.

68. At the request of the representative of the Russian Federation, a roll-call vote was held on the draft resolution.

69. The roll-call started with Chile, whose name was drawn by the Chairperson.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Canada, Chile, Colombia, Czech Republic, El Salvador, Ecuador, France, Germany, Guatemala, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Mexico, Morocco, Niger, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Russian Federation.

Abstaining: China, Cuba, India, Madagascar, Nepal, Nigeria, Republic of the Congo, Zambia.

70. Draft resolution E/CN.4/2000/L.36/Rev.1 was adopted by 44 votes to 1, with 8 abstentions.

Statements in explanation of vote after the vote

71. Ms. KUNADI (India) explained that her delegation, although concerned by human rights violations committed against the population of Kosovo, had abstained because the presentation of the situation of Kosovo in a separate section tended to imply that the region was not a part of the territory of the Federal Republic of Yugoslavia. It believed that paragraphs 25 to 32 should have been placed in section 2, dealing with the Federal Republic of Yugoslavia.

72. Mr. BAHADIAN (Brazil) said that his delegation had voted in favour of the draft resolution because it was convinced that international pressure had to be brought to bear on those who continued to violate fundamental rights and to commit the most brutal acts in the former Yugoslavia. That being said, the Brazilian delegation believed that there had been insufficient opportunity to discuss important aspects of the resolution. For example, the Commission had taken note of the report of the Special Rapporteur, Mr. Dienstbier, in paragraph 7 and decided to renew his mandate for another year in paragraph 8, and yet when Mr. Dienstbier had presented his report to the Commission, he had expressed opinions which were at odds with the approach taken by the resolution. Such discrepancies should be avoided in the future by means of broader, more inclusive consultations.

73. In addition, greater care should be taken with the internal logic of the text. The resolution contained a separate section on Kosovo yet reaffirmed the principle of the territorial integrity of all the States in the region, in accordance with Security Council resolutions. It was worth recalling in that regard that the mandate of the Special Representative covered Kosovo

only inasmuch as it was a part of the Federal Republic of Yugoslavia. The draft resolution should not give any other impression. For that reason, the Brazilian delegation would have preferred the section on Kosovo to be included in the section on the Federal Republic of Yugoslavia.

Draft resolution E/CN.4/2000/L.52 (Situation of human rights in the Sudan)

74. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and the other co-sponsors, expressed regret that the Commission again had to address the situation of human rights in the Sudan, which remained a source of great concern. He nevertheless noted that some progress had been made and considered that that development should be encouraged.

75. In the draft resolution, the Commission noted the efforts made with a view to promoting respect for human rights and fundamental freedoms in the Sudan and the increasing cooperation of the Government of the Sudan with the United Nations human rights mechanisms. At the same time, it expressed the deep concern of the members of the Commission at the continuing serious violations of those rights and freedoms. It consequently called on all the parties to the conflict, including the Sudanese Government, to take the steps required to put an end to that situation.

76. The European Union and all the other sponsors of the draft resolution were pleased that the consultations with the Sudanese delegation had been carried out in a spirit of mutual respect and transparency. The European Union believed that the draft resolution could help strengthen cooperation between the Sudan and the United Nations mechanisms, in particular with the High Commissioner for Human Rights, and hoped that it would be adopted without a vote.

77. Mr. ZIVKOVIC (Secretariat), presenting the financial implications of the draft resolution, stated that an amount of 41,100 dollars had been set aside in the programme budget for the 2000/2001 biennium to cover the costs arising from the renewal of the Special Rapporteur's mandate under paragraph 7 of the draft resolution, namely two five-day trips to Geneva, one five-day trip to New York, one field mission and the temporary assistance of a Secretariat staff member.

Statements in explanation of vote before the vote

78. Mr. MOOSE (United States of America) said that his delegation was deeply concerned about the situation of human rights in Sudan and was disappointed that the draft resolution failed to address a number of flagrant violations. While agreeing that all parties to the conflict were responsible, the delegation nevertheless felt that the Government of the Sudan had not done enough to put a stop to certain especially serious violations.

79. In his report to the Commission, the Special Rapporteur had affirmed that he had "enough consistent and credible information to ascertain the existence of a slavery pattern in the Sudan", adding that the problem had been exacerbated by war strategies aimed at control over territory. The United States condemned that practice, which constituted a crime under international law, and believed that the resolution should reflect the Special Rapporteur's findings.

80. The United States also condemned the continued ban on humanitarian flights into southern Sudan. Since October 1999, the Government of the Sudan had banned access by air to many Operation Lifeline Sudan (OLS) sites in Western Upper Nile, while at the same time forcibly displacing thousands of people in the area. Despite the deteriorating situation, the Sudanese Government continued to ban many United Nations flights in pursuit of its war aims and regardless of the humanitarian consequences.

81. The United States strongly condemned the persecution of religious minorities in the Sudan. Although the Constitution guaranteed the right to freedom of religion, the Government was continuing to harass and detain Christians and animists and to persecute Muslims who did not adhere to its radical brand of Islam.

82. Lastly, the United States condemned the intensified bombing campaign in southern Sudan. The campaign, targeted with increasing frequency at civilian installations, had resulted in a new movement of refugees into neighbouring countries. The United States called upon the Government of the Sudan to halt immediately and unconditionally all aerial bombardment of civilian targets in the south. As a first step, it urged the Government to suspend its attacks during the Easter week celebrations, during which large crowds would probably gather.

83. Given the extent of the violations committed, the United States delegation felt that the draft resolution was deficient and therefore could not support it. It nevertheless hoped the mandate of the Special Rapporteur would be extended. For those reasons, it called for a vote on the draft resolution and announced that it would abstain.

84. Mr. IBRAHIM (Sudan) indicated that the draft resolution was the outcome of a constructive dialogue between the Portuguese delegation, acting on behalf of the European Union, and the Sudanese delegation. The latter very much appreciated the efforts made to draw up a text that could obtain a consensus. It had just been informed, however, by the representative of Portugal, acting on behalf of the European Union, that a delegation intended to call for a roll-call vote. That constituted a further attempt to politicize the work of the Commission by nourishing rancour for reasons that had nothing to do with the promotion and protection of human rights.

85. With regard to the text of the draft resolution, the Sudanese delegation, while reaffirming the Government's commitment to the promotion and protection of human rights and to addressing all genuine concerns, expressed reservations regarding the scope and magnitude of the third and fourth preambular paragraphs and the second and fourth operative paragraphs. The Sudanese Government was determined to pursue its dialogue with the High Commissioner for Human Rights, as stated in paragraph 5, with a view to strengthening the capacities of national bodies working in the field of human rights and to implement human rights projects. It hoped that the international community would respond favourably to the call made in paragraph 6 by supporting the Government's efforts to improve the human rights situation in the framework of the conflict, in particular with regard to the Committee for the Eradication of Abduction of Women and Children. It also called on the international community to put more pressure on the rebels to accept a comprehensive cease-fire and to agree to the delivery of humanitarian assistance within the context of Operation Lifeline Sudan by granting safe and unhindered access to all international agencies and all humanitarian organizations.

86. A vote having been requested, the Sudanese delegation would be obliged to abstain and asked the other delegations to do the same.

87. Mr. LI Baodong (China) said that in the light of the Sudanese delegation's statement and the need to encourage the progress made by Sudan in the field of human rights, China would abstain from the vote on the draft resolution under consideration.

88. Mr. AKRAM (Pakistan) explained that his delegation had been preparing to join the consensus, which had not seemed open to doubt. Given that there was no longer a consensus and that it had received no other instructions from its Government, it would abstain.

89. Draft resolution E/CN.4/2000/L.52 was adopted by 28 votes to none, with 24 abstentions.

Draft resolution E/CN.4/2000/L.16 (Situation of human rights in the Islamic Republic of Iran) (continued)

Statements in explanation of vote before the vote

90. Mr. LEPATAN (Philippines) said that his delegation would vote against the draft resolution under consideration, for which it did not see a need. The situation of human rights and democracy was in fact gradually improving in Iran, as witness the recent legislative elections.

91. Mr. CHOWDHURY (Bangladesh) noted that the changing situation in Iran was an opportunity to weave the country into the global value system, for the benefit of all. He had no doubt that Iran, whose rich civilization had in the past benefited all humanity, still had much to give the world. Bangladesh was convinced that Iran needed not criticism, but understanding and encouragement, and would vote against the draft resolution presented.

92. Mr. LIU Xinsheng (China), noting that in recent years Iran had taken effective measures to strengthen democracy and protect human rights, wanted the international community to enable that country to continue on the path of reform by cooperating with it. The Chinese delegation would vote against the draft resolution, for it believed that the practice of using Commission resolutions to exert pressure on States was harmful.

93. Mr. RODRIGUEZ CEDEÑO (Venezuela) would also vote against the draft resolution, which, in his opinion, did not further the ongoing process to promote respect for human rights in Iran. The Iranian Government had made serious efforts to foster positive developments, as witness the holding of legislative elections, the commitment to promote respect for legality, the progress made with regard to freedom of expression and the presence in the country of international bodies. Certain situations, such as discrimination against religious minorities, in particular the Baha'i, were, it was true, a source of concern, but sanctions were not the solution.

94. Mr. HARAGUCHI (Japan) endorsed the draft resolution under consideration, which he considered well balanced. The Commission, while welcoming the progress made with regard to human rights, expressed concern on specific issues and called upon Iran to make further improvements. The text had to be considered as an encouragement to the Iranian Government to

continue to improve the human rights situation; the Japanese delegation hoped that the day would come when the Commission would no longer need to examine the situation under item 9 of its agenda.

95. Mr. SUTOYO (Indonesia) would vote against the draft resolution, which he thought inappropriately worded given the change in the Iranian Government's position and the process of reform undertaken by Iran to establish democracy and the rule of law. Iran needed encouragement and cooperation more than it needed pressure.

96. Mr. JABER (Qatar) would also vote against the text because of the positive developments observed in Iran.

97. At the request of the representative of Pakistan, draft resolution E/CN.4/2000/L.16 was put to a roll-call vote.

98. The roll-call started with Rwanda, whose name was drawn by the Chairperson.

In favour: Brazil, Canada, Chile, Czech Republic, El Salvador, Ecuador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Mauritius, Norway, Poland, Portugal, Romania, Rwanda, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Bhutan, China, Cuba, India, Indonesia, Liberia, Morocco, Nepal, Niger, Pakistan, the Philippines, Qatar, Republic of the Congo, Russian Federation, Senegal, Sri Lanka, Sudan, Tunisia, Venezuela.

Abstaining: Argentina, Botswana, Burundi, Colombia, Madagascar, Mexico, Nigeria, Peru, Republic of Korea, Swaziland, Zambia.

99. Draft resolution E/CN.4/2000/L.16 was adopted by 22 votes to 20, with 11 abstentions.

Statements in explanation of vote after the vote

100. Mr. BAHADIAN (Brazil) said that his delegation was most encouraged by the significant strides made by Iran in strengthening democracy and promoting human rights, but remained concerned by allegations of discrimination against minorities and strongly urged the Iranian Government to cooperate fully with the Commission. His delegation expressed confidence in the consolidation of democratic renewal in Iran and hoped that the Commission would no longer need to consider the matter at its fifty-seventh session.

101. Mr. TAPIA (Chile) believed that the Commission's decision to renew the Special Representative's mandate for one year and to ask him to present a report to the General Assembly and to the Commission was fundamental in that it allowed the international community to continue monitoring developments in the situation in Iran. Serious problems remained, in particular as concerned the administration of justice, but it would be a mistake not

to acknowledge or encourage the process of reform undertaken. Chile had therefore voted in favour of the resolution, hoping to contribute thereby to the development of a culture of respect for human rights in Iran.

102. Mr. MAIYEGUN (Nigeria) explained that his delegation had abstained, considering that the concerns and demands made in the draft resolution, notably in paragraphs 3 and 4, were in the long run condemnatory in nature and could run counter to the Commission's objectives. It was convinced that Iran had understood that it must continue on the path of reform and could not remain insensitive to the universal concern for the protection of human rights.

Question of human rights in Cyprus (agenda item 9 (a))

103. The CHAIRPERSON suggested that the Commission adopt the following draft decision:

> "At its fifty-sixth meeting, on 18 April 2000, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (a) entitled 'Question of human rights in Cyprus', of the item entitled 'Question of the violation of human rights and fundamental freedoms in any part of the world' and to give it due priority at its fifty-seventh session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation."

If there were no objections, he would consider that the Commission had agreed to that proposal.

104. It was so decided.

The meeting rose at 6.45 p.m.